

# **MONTCLAIR PROPERTY OWNERS ASSOCIATION**

## **Community Guidelines Article 5**

### **Architectural Guidelines and Home Businesses**

Updated June 10, 2023



#### **Montclair Property Owners Association**

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# MONTCLAIR PROPERTY OWNERS ASSOCIATION

## RESOLUTION

### ARTICLE 5, COMMUNITY GUIDELINES

WHEREAS, Article 6, Section 6.2 of the Montclair Property Owners Association *Amended Deed of Dedication Agreement and Declaration of Covenants and Restrictions* states, “The Board of Directors shall have the power to adopt, amend and repeal Rules, Regulations and Policies...” and

WHEREAS, Article 4, Section 4.1 of the Montclair Property Owners Association Bylaws establishes that the “business and affairs of the Association shall be managed by the Board of Directors”, and

WHEREAS, It is the desire of the Board of Directors to provide a clear and concise compilation of the policies and procedures for architectural guidelines and home business.

NOW THEREFORE BE IT RESOLVED, that the Montclair Property Owners Association Board of Directors approve Article 5 of the Community Guidelines as attached hereto:

**September 21, 2005 #05-245**

Amended:

07/20/07	#07-114	5.4.38 Signs
12/12/07	#07-196	5.9.1 Enforcement Procedures
04/09/08	#08-049	5.4.22 Mailboxes and Supports (Appendix B)
	#08-053	5.4.12 Fences for Single Family Homes
05/14/08	#08-069	5.4.8 Docks, Piers, and Wharves
10/08/08	#08-183	5.4.7 (l) Decorative Objects (for Water’s Edge Townhome Association)
01/14/09	#09-004	5.4.2 Fences for Single Family Homes
10/14/09	#09-215	5.4.17 Garage Sales/Yard Sales
03/10/10	#10-034	5.4.14 (m) Fences for Townhomes and Cluster Homes (for Southlake Landing Townhomes); 5.4.14 (n) Fences for Townhomes and Cluster Homes (for Southlake Cove and Knolls Townhomes)
	#10-035	5.4.7 (g) Decorative Objects
	#10-046	5.4.8 (g)(1) Docks, Piers, and Wharves
05/12/10	#10-071	5.4.16 Flagpoles
03/09/11	#11-035	5.4.32 (g) Recreation and Play Equipment (Trampolines)
05/11/11	#11-071	5.4.7 (l) Decorative Objects (For Southlake Cove)
	#11-075	5.4.48 (b) Windows
07/13/11	#11-103	5.4.38 (g) Sheds for Single Family Homes
04/11/12	#12-061	5.8.1 General
07/11/12	#12-103	5.4.47 Walkways and Paths (to include Stairs and Steps)
12/12/12	#12-219	5.2.2 (d) Review and On-site Inspection
	#12-220	5.4.11 Driveways; 5.4.21 Hot Tubs and Spas; 5.4.45 Tree Removal
	#12-225	5.6.3 Review Process for Home Business/Occupation
01/09/13	#13-009	5.4.14 (j) Fences for Townhomes and Cluster Homes (for Nob Hill Forest Townhomes)
02/13/13	#13-026	5.4.13 (d) Fences for Single Family Homes; 5.4.14 (b) Fences for Townhomes and Cluster Homes
	#13-027	5.6.2 (c) Application for a Home Business/Occupation
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	#13-062	5.9.1 Enforcement Procedures; 5.9.2 Notification Procedures for Hearings; 5.9.3 Due Process Rights; 5.9.4 Procedural Rules at the Hearing; 5.9.5 Enforcement Procedures for Repeat Violations or for Violations that Pose a Threat of Personal Injury or Imminent Property Damage
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Tubs		and Spas; 5.4.26 (a) Major Alterations; 5.4.31 (e) Propane Tanks; 5.4.33 (d) Retaining Walls; 5.4.38 (l) Sheds for Single Family Homes; 5.4.43 (e) Swimming Pools
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	#14-034	5.4.34 (d) Roofing
04/09/14	#14-066	5.4.25 Mailboxes and Supports
	#14-068	5.5.1 (d) Definitions
	#14-069	5.9.1 (c), (e), & (g) Enforcement Procedures; 5.9.2 (a-c) Assessment of Charges to Enforce Rules; 5.9.3 (a)(4) Notification Procedures for Hearing; 5.9.4 Due Process Rights; 5.9.5 Procedural Rules at the Hearing; 5.9.6 (a) (1-3) & (b) (1-2) Enforcement Procedures for Repeat Violations or for Violations that Pose a Threat of Personal Injury or Imminent Property Damage
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**Enclosures**

- 1 Home Business or Occupation Application
- 2 Property Improvement Request (PIR)
- 3 Dock and Shoreline Improvement Permit
- 4 Master Dock Listing

## ARTICLE 5

### ARCHITECTURAL GUIDELINES AND HOME BUSINESSES

- 5.1 General:** The basic authority for proscribing or restricting certain uses of property, and for maintaining the quality of design throughout Montclair, is founded in the Amended Declaration, which is a part of the Deed to every property in Montclair. The rights and obligations of homeowners and residents within a community governed by a Property Owners Association (POA) are further described in the Virginia Property Owners' Association Act. Article 5 of the Montclair POA (MPOA) Community Guidelines details additional restrictions which are part of the Association Documents and serve to protect the visual appearance of Montclair, enhance the enjoyment of all its residents, and protect Montclair property values. It is the responsibility of every homeowner to be aware of and adhere to these guidelines.
- 5.1.1 Objectives:** Article 5 provides guidelines to MPOA members seeking to make changes to the exterior of their property or use it for a mix of residential and business purposes. It defines the roles of each entity that participates in the creation, coordination, and enforcement of these guidelines as well as the procedures for doing so. It defines the process each homeowner is required to take when applying to use the property for business or for making exterior modifications to their property. Of particular interest to homeowners, Article 5.2 specifically outlines the procedures required by homeowners to make exterior changes to their property, and 5.4 specifies the architectural guidelines that have been developed by the association and approved by the BOD.
- 5.1.2 Conformity with County Regulations:** The procedures outlined for the exterior alterations or home business/occupations are solely within the purview of MPOA. **MPOA approval of a Property Improvement Request or Home Business or Occupation Application does not constitute Prince William County approval, nor does it imply conformity to all County regulations. Any action requiring County approval, permits or licenses must be submitted by the applicant property owner to the County directly.** For more information regarding County ordinances and regulations, you can visit the Prince William County website at [www.pwcgov.org](http://www.pwcgov.org) or call the Prince William County Department of Public Works.
- 5.1.3 Roles and Responsibilities**
- 5.1.3.1 MPOA:** The role of the Association, of which every property owner is a member, is to not only own and operate common areas but to conserve and enhance the resources of the total community. MPOA accomplishes these functions in a variety of ways, including ensuring the retention of harmonious yet diverse design qualities throughout the community, and ensuring the appropriate use of residential properties.

- 5.1.3.2 Sub-associations within MPOA:** There are seven sub-associations within MPOA: Northside Townhome Association; Water's Edge Townhome Association (WETA); Island Homeowners Association (IHA); Nob Hill Forest Townhome Association; Alexander Square Townhome Association; Southlake Landing Townhome Association; and Southlake Cove Townhome Association. Sub-associations may have more restrictive covenants for exterior modifications and/or authorized home business use. Article 5 proscribes procedures that will be followed to ensure coordination of PIRs and Home Business applications are coordinated with MPOA and the applicable sub-association in a timely manner.
- 5.1.3.3 Covenants Committee:** The Covenants Committee (CC) is charged with ensuring all exterior alterations to a property comply with the objectives and restrictions set forth in this Guideline. In carrying out its responsibilities, the CC strives to preserve the natural beauty of Montclair, maintain, and enhance property values, and ensure that all modifications adhere to association protective covenants. The CC consists entirely of homeowners who volunteer their time to review homeowner requests for improvements and evaluate these requests within the context of the Architectural Guidelines approved by the MPOA Board of Directors. They are empowered to approve or deny homeowner requests for improvements or recommend to the MPOA BOD a variance to the guidelines for which an accommodation under unique circumstances may be made. As described in Community Guideline Article 3, Committees, the Covenants Committee may also establish a New Construction sub-committee to work with a homeowner and their builder in order to ensure a proposed new-build is constructed in a manner consistent with this Article. Additional information is provided in Guideline 3.3.1. Standing Committees.
- 5.1.3.4 Covenants Manager:** The Covenants Manager (also referred to in some documents as Covenants Director) is a member of the MPOA-contracted Property Management Company who is designated to oversee staff functions related to the management of Association Covenants. Responsibilities of the Covenants Staff include but are not limited to:
- A. Receive, review for completeness, and coordinate homeowner Property Improvement Requests (PIRs) with all affected parties, and respond to PIRs upon review by the Covenants Committee and/or the Covenants Director.
  - B. Maintain a property file for each MPOA lot that includes, but is not limited to, all previously approved PIRs
  - C. Prepare PIR review packages for the Covenants Committee Members.
  - D. Provide a staff member, as requested by the Covenants Committee Chair, to all committee and subcommittee meetings to assist with recordation of committee business and provide guidance as requested.
  - E. Coordinate with Sub-association staff and/or association members as appropriate when the subject property of an improvement request is within

an MPOA Sub-association, and deny any PIR or variance requested by a homeowner whose subject property is within a sub-association when that request was disapproved by that sub-association.

- F. Approve those PIRs that are within the purview of the Covenants Manager to approve. These are limited to any improvements defined as *Quick Track* improvements. Additionally, in the case of a PIR submitted in response to a violation from a home inspection, the Covenants Director and Covenants Committee chair can jointly approve the PIR provided the items are in good condition, are consistent with existing guidelines AND the homeowner has documentation that this improvement was present at the time the homeowner purchased the home.
- G. Conduct property inspections annually of all homes and lots in Montclair, and by request for property resale or a neighbor complaint, to ensure all properties are maintained and have not fallen into disrepair, and are adhering to the architectural guidelines as outlined in this document

**5.1.3.5 Architectural Appeals Board (AAB):** The Architectural Appeals Board is a standing committee of the Board of Directors that will review a request by a homeowner to appeal the decision of the Covenants Committee. See section 5.3. Appeals of Covenants Committee Decisions for additional information on the process of appealing a decision of the Covenants Committee.

**5.1.3.6 Business Review Board (BRB):** The Business Review Board is a standing committee of the Board of Directors that will review a request by a homeowner to establish a home-based business. See section 5.6. Home Businesses for additional information on submitting a Home Business request for approval.

## **5.2 Application & Review Procedures for Exterior Alterations**

**5.2.1 Application by Homeowners:** Property owners desiring to add to and/or alter the exterior appearance of their home or Lot must complete a PIR form and submit the PIR and all necessary attachments to the Covenants Director, unless that specific item is listed as pre-approved. The Covenants Department will review the form for completeness, date it, retain an active file copy, and record its receipt. The applicant should retain one copy. Additional copies of PIR forms are available at the MPOA office and can be downloaded at [www.montclairva.com](http://www.montclairva.com).

**A. Homeowners within a Sub-association:** When a homeowner desires to make an exterior modification to a property that is located within a sub-association, MPOA covenants staff will forward the PIR to the identified point of contact for the sub-association for review. The sub-association shall promptly review the PIR for compliance with their covenants guidelines and provide their ruling to the MPOA covenants staff no later than 3 pm the day of the meeting at which the PIR will be reviewed by the MPOA Covenants Committee. In the event the sub-association denies the PIR, the PIR will be returned to the homeowner and will not be considered by the

covenants committee. In the absence of a response from the sub-association, consent will be assumed.

- B. Resource Protection Area (RPA) Alterations or Improvements:** The Virginia General Assembly enacted the **Chesapeake Bay Preservation Act** (the Act) in 1988, and Prince William County adopted provisions of the Act into its local Ordinance in 1990. The Montclair Residential Planned Community is a lake community, and Lake Montclair is an integral part of the Chesapeake Bay watershed system. As such, provisions of the Act apply to Lake Montclair and the creeks and streams feeding into and out of the lake. The Act established what is known as a Resource Protection Area (RPA), which requires that a vegetated buffer no less than 100 feet wide must be maintained along the shores of water bodies with perennial flow. All of Lake Montclair, Powell's Creek, and all creeks and streams flowing into and out of the lake are protected by an RPA, which begins at the shoreline and extends 100 feet inland. Note the Act does not prohibit alterations within the RPA. Rather, it requires the preservation of existing wooded buffers within the 100-foot RPA, while allowing certain modifications to the extent that they do not diminish the ability of the buffer to perform its water quality functions. All PIRs submitted for work in the RPA require MPOA Board of Directors approval. Prior to approval by the Board of Directors, recommendations by the Covenants and Lake Management Committees are required. Committee recommendations for either approval or disapproval of the PIR is based on the PIRs compliance with MPOA regulations and guidelines as well as adherence to RPA guidance. Prince William County Watershed Management Office approval is also required prior to Board of Directors review and decision. For more information on the Chesapeake Bay Preservation Act, and PWC oversight and enforcement of this Act as it applies to improvements in an RPA see: <https://www.pwcva.gov/department/environmental-services/resource-protection-areas>. County Environmental Services may also be reached by phone at 703-792-6819 or e-mail at [publicworks@pwcgov.org](mailto:publicworks@pwcgov.org). Additionally, Prince William County provides an RPA Brochure detailing the activities within the RPA that require County approval: <https://www.pwcva.gov/assets/documents/public-works/006995.pdf>

- 5.2.2 Obtaining neighbor acknowledgement:** Exterior improvements to a property can impact immediate neighbors as well as the entire community. For that reason, an important element of the PIR process is to obtain neighbor acknowledgement of the planned improvement. The applicant property owner must make every attempt to contact adjacent property owners (next door as well as neighbors immediately across from or behind the home when the improvement is visible to them) and advise them of the intended property improvement and obtain their acknowledgement signature on the space provided on the PIR form. These signatures only indicate an awareness of the PIR and do not indicate approval or disapproval. **If a homeowner refuses to sign the PIR, the applicant should make a note of that fact on the line provided for the homeowner's signature.** Refusal to sign does not equal disapproval of the improvement. Separate procedures described below are to be followed by any neighbor that objects to an exterior improvement by their neighbor. Should an applicant be unable to obtain an adjacent property owner's signature because the neighbor is unavailable for an extended period of time (fourteen days), the applicant may dispense with the signature of that neighbor and

**note the neighbor's absence** on the PIR. In the event an adjacent property owner refuses to sign or is absent, the Covenants Director will provide written notification of the request, which shall include a copy of the PIR, to that property owner. A PIR will be considered incomplete and will not be forwarded to the Covenants Committee for review unless these outlined steps are taken by the homeowner to obtain signatures from adjacent property owners to the best of their ability.

**5.2.3 Property Owner Objection to Planned Improvement:** Any MPOA property owner may object to a PIR. A property owner who desires to object to a PIR must notify the Covenants Director prior to the Covenants Committee meeting at which the request will be reviewed. Property owners must submit their objections in writing to ensure that the Covenants Committee members will have an accurate understanding of the objection when visiting the site of the proposed alteration. The property owner may also appear before the Covenants Committee to voice an objection to a PIR. Conversely, the objecting property owner may elect to remain anonymous. The Covenants Director will advise the applicant of an objection to a PIR, and the nature of the objection.

**5.2.4 PIR review and Covenants Committee actions:**

- A. Refer to section 5.1.3.4.F for those PIRs that do not require Covenants Committee review.
- B. The Covenants Director will notify the applicant and any objecting property owners of the date and time of the Covenants Committee meeting at which the PIR will be considered.
- C. The Covenants Director will route a copy of all PIRs to all Covenants Committee members for their review and on-site inspection of the lot/home. Due to the high volume of PIRs during certain times of the year, and the relatively tight response times dictated by MPOA documents, the Covenants Committee Chair may assign the physical inspection of the property to a subset of the committee in order to share the workload for visiting the properties.
- D. Committee members who have physically visited the property would be responsible for briefing the PIR to the committee and answering any questions of fellow committee members. Additionally, some PIRs may not require physical inspection by committee members. Examples of this include removing a dead tree or item that has fallen in disrepair, or changing the color of doors, shutters, siding, or shingles. Committee members should abstain from voting if they do not feel they have sufficient clarity on the requested improvement.
- E. Committee consideration of a PIR is based on the standards included in these guidelines, the covenants, and applicable Board of Directors' resolutions. A majority vote of the Covenants Committee members is required to approve or disapprove a PIR. The Covenants Committee must have a quorum of three voting members, not including the Covenants staff member or BOD liaison, present to conduct any committee business. Homeowners are encouraged to attend the Covenants Committee and will be given an opportunity to address the committee members as well as answer any

questions about the improvement. Objecting homeowners are also encouraged to attend and will be given equal opportunity to address the committee. The Covenants Committee will consider all pertinent information presented in this meeting. Committee discussions and voting will be conducted in open session. The committee outcome includes Approval; Disapproval; Approval with a modification or condition; Request for resubmission with additional data or as a variance.

- F. Additionally, the committee has the right to refer approval or denial of the PIR to the BOD for decision. The MPOA shall act upon any and all fully-completed PIRs within 45 days of receipt. Should the Covenants Director and/or Covenants Committee fail to act on the PIR within 45 days of receipt, the PIR will be approved in accordance with the Association Documents without further consideration on the forty-sixth day following receipt by the MPOA.

**5.2.5 Notification of the Covenants Committee decision:** A letter outlining the decision of the Covenants Committee will be mailed by the Covenants Director within five working days to the applicant and adjacent neighbors, and a copy will be placed in the individual lot file at the MPOA office. If the PIR was approved, the letter will inform the applicant that he/she is to take no action to begin the approved work for a period of 10 days from the Covenants Committee's decision, pending any possible appeal by a homeowner. If the Covenants Committee denies the request, the homeowner may appeal the decision to the Architectural Appeals Board (AAB), or resubmit to the Covenants Committee in the form of a request for variance to the architectural guidelines. Whether an appeal or a request for variance, the final approval or disapproval rests with the BOD.

### **5.3 Variations and Appeals**

**5.3.1 Variations:** The BOD may grant variations to the Architectural Guidelines, for good cause shown. A variance can only be granted by the board, with two exceptions cited below. Requests for variations will be forwarded to the BOD from the Covenants Committee, with a committee recommendation for approval or disapproval. Variations are most typically used when a feature of the property, such as topography, would make it impossible or unreasonable to follow the architectural guideline as stated. Variations may also be appropriate for a unique circumstance faced by the resident requiring an accommodation that would otherwise not be permitted by the guidelines. Unless specifically stated in the variance language approved by the Board of Directors, variations will convey (transfer) with the property. The BOD has delegated to the Covenants Committee the authority to approve variations under the following two circumstances:

- A. **Variance to Setback Requirements:** In those instances where a previous variance has been granted to the setback requirements to accommodate construction of a building or other structure, and an additional structure is being planned, the Covenants Committee may grant such a variance provided the added structure will not change the setback distance previously granted (i.e. a deck or patio which runs parallel to and the same distance from the lot line as the initial structure).

**B. Non-conforming Fence Styles:** For a non-conforming fence style (per the current policy) if said style is the same as an abutting or adjacent fence style, provided that:

1. The existing nonconforming fence was previously approved under an earlier policy, (i.e. a stockade fence may be allowed if a stockade fence is already on the abutting property), and
2. If the non-conforming fence requested does not also abut an approvable style of fence.

**5.3.2 Appeals of Covenants Committee Decisions:** Any decision of the Covenants Committee, with the exception of a decision to forward the PIR to the BOD, is subject to appeal. All members who file a PIR, and any member who has expressed to the Covenants Committee an objection to the PIR, are hereafter referred to as “Interested Owners.” Only an Interested Owner may appeal a decision of the Covenants Committee, and he or she becomes known as the “Appellant.” In the event the Covenants Committee forwards a PIR to the MPOA BOD, the Appellant retains the right to appear before the Board to voice their opposition and/or concerns.



### **5.3.3 Architectural Appeals Board (AAB)**

- A. The Covenants Director shall notify all applicants and Interested Owners by mail of the Covenants Committee's decision, pursuant to paragraph 5.2.5. above. All appeals from the Covenants Committee to the AAB must be in writing and received by the Covenants Director within ten days of the postmarked date of the notification to the applicant and Interested Owners of a Covenants Committee decision. If an appeal is not received within the specified time frame, the decision of the Covenants Committee is final.
- B. Upon receipt of an appeal, the Covenants Director shall forward complete documentation, including appropriate guideline references and covenants, to the AAB. The AAB is made up solely of BOD members, and empowered to act on the BOD's behalf. The AAB shall review the documentation, and the Chair of the AAB shall schedule an appeals hearing, if granting the appeal would not violate the covenants or federal, state or local laws. If no hearing is scheduled, the Chair will prepare a letter to the Appellant explaining the covenants or laws the granting of an appeal would violate. The Chair may also elect to forward the appeal to the entire BOD. Otherwise, the hearing will be scheduled within fifteen days of the receipt of the appeal by the Covenants Director, subject to the availability of members of the AAB. The Covenants Director is responsible for keeping complete records of all appeals and will log the appeals according to the date the appeal is received at the MPOA Office.
- C. The Appellant and other Interested Owners shall be notified a minimum of three days prior to the AAB hearing of the date, time, and location the meeting is to be held. If a member of the AAB is not available within the fifteen-day time limit, the President of the Association may appoint another Director as a pro tem AAB member or make such other decision as necessary to expedite hearing the appeal.
- D. All members of the AAB shall be present at the hearing. All members shall review all references and documents provided in the appeal packet and visit the property site shown on the PIR before the hearing. The AAB shall uphold, modify, or overturn the Covenants Committee decision, return the PIR to the Covenants Committee for further proceedings, forward the appeal to the entire BOD, or recess the hearing pending receipt of additional information. The Covenants Director shall notify the Appellant and Interested Owners of the AAB's decision within five working days of the decision. Unless the AAB forwards the appeal to the entire BOD, the decision of the AAB is deemed final and the Association shall allow no further appeals. If a PIR is returned to the Covenants Committee for further proceedings, the subsequent decision of the Covenants Committee is subject to appeal only by the applicant.
- E. Homeowners who appear before the AAB shall convey relevant information. All pertinent information presented in this meeting will be considered by the AAB when making its decision. The general format for presentation before the AAB shall be as follows: Covenants Committee ruling on application; Applicant presentation; Objecting homeowner statement; Covenants Committee comments; Questions from AAB; Closing statement by applicant; Closing statement by objecting homeowner; Covenants Committee comments.

- F. While the appeals' hearing is open, the deliberations of the AAB are closed. Only AAB members, the Covenants Director, and the Chair of the Covenants Committee may attend these deliberations. Following the deliberations, the AAB shall return to open meeting to vote and advise the applicant and objecting homeowner(s) of its decision.
- G. Any appeal of a Covenants Committee decision that is referred by the AAB to the full BOD shall be forwarded to the BOD by the Covenant's Director and placed on the agenda of the next regular BOD meeting, provided the Board members receive the applicable documents within three days of the regularly scheduled meeting.
- H. The Covenants Director shall ensure that the Appellant and Interested Owners are notified of the decision of the BOD within five working days of the date of the decision. All decisions of the BOD are final.

**5.3.4 Appeals to Sub-Association PIR Denials:** If the Sub Association denies the PIR based upon conflict or violation of their guidelines or covenants, the PIR is thereby denied and will not be sent to the MPOA Covenants Committee for further review. Any appeal by the applicant shall be heard by the Sub-association.

#### **5.4 Architectural Guidelines**

**5.4 General:** The intent of these guidelines is to provide a framework by which the Covenants Committee will review all Property Improvement Requests (PIR). This section contains a list of the most common improvements and provides Requirements and Restrictions for each. **The following list is not all-inclusive and a PIR is required for ANY exterior modification to your home that is not pre-approved.**

- A. The modification standards listed in this section are characterized in four ways:
  - 1. "Pre-approved"
    - a. Items that do not require submission of a PIR
  - 2. "Quick Track"
    - a. PIR submission required, however, these are items that can be approved by the Covenants Director and do not require review by the Covenants Committee.
  - 3. "Requirements and Restrictions"
    - a. Lists of specific requirements and restrictions regarding the particular item.
  - 4. "Information to be Included with PIR" – This can include any or all of the following:
    - a. Plat – required to identify where on the property the Improvement is being done. (See Appendix 'A' for an example, and Appendix 'B' for definition of Front, Side and Rear yards). A plat is a drawing, sealed by an engineer, showing your property lines and the footprint of your home located on it. NOTE: A Plat or Survey may have been provided when the home was purchased, may be on file with Prince William County or may be on file with MPOA.
      - i.) Owner to mark the location of any requested improvement on the plat and provide dimensions showing the location relative to the property lines.

- ii.) Owner to designate any proposed grading changes, if applicable to your improvement.
  - b. Description of color, and style of the improvement. (including samples, which can be photo or actual samples)
  - c. Description of all materials. (This includes samples, which can be photos or actual samples)
  - d. Drawings to indicate dimensions of the proposed improvement
    - i.) For additions, decks, docks, and other permanent structures attached to the house, this shall include clear, accurate building plans showing all dimensions, including heights, which would be required by the county for a building permit.
    - ii.) Fences – provide length and height of proposed fences.
  - e. Estimated completion date.
  
- B. All pre-approved and “Quick Track” items must adhere to the requirements and restrictions contained in the guidelines for that item.
  
- C. Replacing a previously approved item with the exact same item does not require submission of a PIR provided it meets the current standards and is not the result of a variance request.
  
- D. In addition to any requirements and restrictions listed for items in this section, the Covenants Committee will review all submissions asking the following questions:
  - 1. Is the improvement compatible with the existing house in terms of style, color, and materials?
  - 2. Does the improvement adversely affect the views, light, winter sun, or natural ventilation of adjacent properties or their views of the lake?
  - 3. Does the proposed improvement affect the flow of water on the property, and does the application demonstrate how the water flow will be directed, so as not to increase the flow of water on to adjacent properties?
    - a. No yard improvement, by way of landscaping, burial of downspouts, irrigation systems or other methods of water redirection, shall redirect stormwater to discharge in a way that causes harmful land erosion or sediment deposits on adjacent properties.
  - 4. Is the improvement on “MPOA common property”?
    - a. This is not allowed for any improvement.
  
- E. Townhome and cluster home areas of Montclair, all of which are located within a sub-association, may have additional Architectural Guidelines to supplement the MPOA guidelines. These townhome and cluster home guidelines may not conflict with MPOA standards, but may be more restrictive. For ease of identifying covenants unique to sub-associations, these guidelines are highlighted by a box as depicted in this paragraph.

#### 5.4.1 Air Conditioners, Heating Units, and Window Fans

**Pre-Approved:**

A. Replacement units installed in the same location as the original unit (not to include window units and window fans).

**Quick Track:** None

**Requirements and Restrictions:**

A. Window air conditioning units and window fans may not be installed on the front of any home.

**Water's Edge Townhome Association:** Window air conditioning units or window fans may not be installed in any window.

**Nob Hill Forest Townhome Association:** Window air conditioning units or window fans may not be installed in windows on the front of the house.

#### 5.4.2 Awnings (Both Fixed and Retractable)

**Pre-Approved:** None

**Quick Track:** None

**Requirements and Restrictions:**

A. No specific requirements, but see Section 5.4.D for a list of criteria that are considered with all PIR's.

**Island Homes:** Retractable awnings are allowed ONLY on rear decks and patios. Color must be compatible with the dominant color of the house.

**Nob Hill Forest Townhomes:** Retractable awnings are allowed ONLY on rear decks and patios. Color must be compatible with the dominant color of the house.

**Southlake Cove Townhome Association:** Retractable awnings are allowed ONLY on rear decks and patios. Color must be compatible with the dominant color of the house.

**Southlake Landing:** retractable awnings are allowed ONLY on rear decks and patios. Color must be compatible with the dominant color of the house.

**Water's Edge Townhome Association:** Awnings are permitted over upper-level decks and must be the color of townhome siding or white. Awnings are not allowed on front or side windows.

### 5.4.3 Canopies

**Pre-Approved:**

A. Free standing canopies (cannot be erected for more than one week in duration)

**Quick Track:** None

**Requirements and Restrictions:**

- A. Canopies may not extend beyond the front of the home.
- B. Canopies must be stored out of public view.

**Island Homes:** Canopies are not allowed on any windows.

**Nob Hill Forest Townhome Association:** Canopies are not allowed on any windows.

**Southlake Cove Townhome Association:** Canopies are not allowed on any windows.

**Southlake Landing:** Canopies are not allowed on any windows.

**Water's Edge Townhome Association:** Freestanding canopies may be placed on upper-level townhome decks only and shall match the trim or dominant color of the house or be in an earth tone. Permanent canopies will be considered on a case by case basis and require a PIR. Canopies are not allowed in front, side or rear yard.

### 5.4.4 Chimneys, Metal Flues, and Vents

**Pre-Approved:** None

**Quick Track:** None

**Requirements and Restrictions:**

- A. No specific requirements, but see Section 5.4.D for a list of criteria that are considered with all PIR.

### 5.4.5 Compost Piles

**Pre-Approved:** Compost piles that meet all of the following requirements and restrictions:

- A. Containers must be constructed of a wooden frame with wire or block interior and must be screened from adjacent lots and streets.
- B. Piles must not exceed 4' in height and must be located at least 5' from the property lines and to the rear of the house.

**Quick Track:** None

**Requirements and Restrictions:**

- A. The use of manufactured containers requires submission of a PIR.

B. Any compost pile or container that is visible from the street, must be screened.

**Island Homes:** No compost piles are permitted.

Compost piles are not permitted in townhome and cluster home areas.

#### 5.4.6 Decks

**Pre-Approved:**

- A. Repair/replace deck boards, rails and benches in the existing size, style and color.
- B. Replacement of lattice/screening in existing style color and location.
- C. Changes to color and/or materials of deck boards and benches in neutral wood tones. Changes to color and/or materials of deck rails in black, brown, gray or white. Changes to color and/or materials of deck rails, lattice/screening in neutral wood tones, black, brown gray or white.
- D. Any changes to size, shape or structural members require a PIR.

**Quick Track:** None

**Requirements and Restrictions:**

- A. No specific requirements, but see Section 5.4.D for a list of criteria that are considered with all PIR's.

**Island Homes:** Wood deck replacements with prefinished composite materials and aluminum rail systems from Treks, Azek, TimberTech, or other similar companies are acceptable. Finish colors shall be in the manufacturer's gray or brown family, handrails can be black, brown, or white aluminum in color. Wood decks and handrails shall be stained or painted using McCormick Fairfield 911 color (same as siding).

**Nob Hill Forest Townhome Association:** Pre-Approved: Decks may be painted with Behr solid color stains Padre Brown, Wood Chip, Russet, Valise, Chocolate and Sable. Paints from other suppliers that are an exact match to these colors are acceptable. Other colors and materials are subject to Nob Hill Forest Townhome Association approval.

**Southlake Cove Townhome Association:** Pre-Approved: Decks may be painted with Behr solid color stains Padre Brown, Wood Chip, Russet, Valise, Chocolate and Sable. Paints from other suppliers that are an exact match to these colors are acceptable. Other colors and materials are subject to Southlake Cove Townhome Association approval.

**Southlake Landing:** Pre-Approved: Decks may be painted with Behr solid color stains Padre Brown, Wood Chip, Russet, Valise, Chocolate and Sable. Paints from other suppliers that are an exact match to these colors are acceptable. Other colors and materials are subject to Southlake Landing Townhome Association approval.

**Water's Edge:** Pre-Approved: Decks may be painted with Behr solid color stains Padre Brown, Wood Chip, Russet, Valise, Chocolate and Sable. Paints from other suppliers that are an exact match to these colors are acceptable. Other colors and materials are subject to Water's Edge Townhome Association approval.

## 5.4.7 Decorative Objects

### Pre-Approved:

- A. Porch furniture located on the front porch (not to include storage benches – see Section 5.4.28).
- B. Movable planters, no larger than 18” x 18” x 18.”
- C. Hanging birdhouses, bird-feeders, chimes, or planters not over 18” in length, 24” in height and 12” in width.
- D. Welcome, name, no soliciting, or similar signs (not advertisements) no larger than 24” x 12” or 18”x 18.”
- E. Door wreaths.
- F. Holiday decorations that are not permanently attached to the dwelling. Holiday decorations must be removed within two weeks after the end of the holiday. Mailbox decorations are not permitted, except for within 30 days of a holiday (see Section 5.4.26).
- G. Decorative house flags and/or banners no larger than 28” x 40” placed in flagpole holders or on flagpoles per Section 5.4.17 Flagpoles.

**Quick Track:**           None

### Requirements and Restrictions:

- A. No specific requirements, but see Section 5.4.D for a list of criteria that are considered with all PIR’s.

**Nob Hill Forest Townhome Association:** Decorative objects are limited to a total of 2 objects in the front of any property – 1 hanging object and 1 sign (i.e. welcome sign or family name). Hanging objects are limited to wind chimes and flags (American flag or other national flags). Up to 3 planters (non-hanging) with appropriate living plants are also permitted. Prohibited objects include, but are not limited to, statues, swans, flamingos, ducks, windmills, deer, birdbaths, and lights other than the front door light, walkway landscape lights and one pole light. Decorative objects are prohibited in side yards.

**Southlake Cove Townhome Association:** decorative objects are limited to a total of 2 objects in the front of any property – 1 hanging object and 1 sign (i.e. welcome plaque or family name). Hanging objects are limited to wind chimes and flags (American Flag or other National Flags). Up to 3 planters (non-hanging) with appropriate living plants are also permitted. Prohibited objects include but are not limited to statues, swans, flamingos, ducks, windmills, deer, birdbaths, storage benches made of plastic, wood, metal, stone or other material and lights other than the front door light and walkway landscape lights. Decorative objects are prohibited in side yards.

**Southlake Landing:** Decorative objects are limited to a total of 2 objects in the front of any property. Up to 3 planters with appropriate living plants are also permitted. Prohibited objects include, but are not limited to, statues, swans, flamingos, ducks, windmills, deer,

birdbaths, and lights other than the front door light and landscape lights. Decorative objects are prohibited in side yards.

**Water's Edge Townhome Association:** Decorative objects are limited to a total of 2 objects in the front of any property - 1 hanging object, and 1 sign (i.e. welcome sign or family name). Hanging objects are limited to wind chimes and flags (American flag or other national flags). Up to 3 planters (non-hanging) with appropriate living plants are also permitted. Prohibited objects include but are not limited to statues, swans, flamingos, ducks, windmills, deer, birdbaths, gliders, swings, window boxes, fire pits, BBQ grills, lawn furniture and chairs, storage benches made of plastic, wood, metal, stone, or other material and lights other than the front door light and walkway landscape lights. Decorative objects are prohibited in side yards.

#### **5.4.8 Docks, Piers, Wharves and Shoreline Improvements.**

**Pre-Approved:**

- A. Repair / Replace deck boards, rails, and benches on the existing size, style, and color.
- B. Changes to color and/or materials of deck boards, rails and benches in neutral wood tones. If updating to modern materials it must appear consistent with wood.
- C. Any changes to size, shape or structural members require a PIR.

**Quick Track:** None

**Additional Considerations:** RPA provisions apply; County zoning and permitting requirements may apply; see Section 5.2.1.b. Residents desiring to make an alteration or improvement in the Resource Protection Area (RPA). Docks, by their nature, are located in Lake Montclair which is a Common Area. Therefore, the only authority that can approve a modification, alteration or improvement in a common area is the BOD.

**Requirements and Restrictions:**

This guideline applies to docks, piers, wharves, and shoreline improvements described herein. For the purposes of these guidelines, the word “dock” means anything, including a pier or wharf, whether natural or man-made, used or intended to be used to moor a boat to the shore and to provide access to the boat and the lake. The installation and maintenance of a dock within Lake Montclair is a privilege and shall be permitted only upon strict compliance with the terms of the Amended and Restated Declaration and this section of the Community Guidelines. Prior to approval by the Board of Directors, requests must include a recommendation by the Covenants and Lake Management Committees for either approval or disapproval of the PIR based on its compliance with MPOA regulations and guidelines.

- A. Docks shall maintain a low structural profile complimentary to the natural setting of the area so that they minimize any disruption of the natural shoreline and flow of water.
- B. The Lake Montclair Master Dock Listing included in Article 5 of the Montclair Architectural Guidelines identifies those homeowner lots within Montclair for which docks and shoreline improvements may be approved.



- C. There shall only be one dock per authorized lot.
- D. Any current dock approved by the previous owner of the lake, Second Montclair Corporation, shall comply with the requirements for insurance and the annual MPOA Dock and Shoreline Improvement Permit described in this guideline.
- E. Docks and shoreline improvements may convey to subsequent owners provided the new owners comply with all provisions herein.
- F. Dock Dimensions, Placement, Anchoring, and Amenities:
  - 1. Stationary docks may not extend any further than 12 feet into the lake and be no more than 18 feet wide. (Dimensions must include all structures and railings)
  - 2. Floating docks may not extend any further than 14 feet into the lake and be no more than 18 feet wide. (Dimensions must include all structures and railings)
  - 3. Docks may not be located within 12 feet of an Owner's side lot boundary lines extended to the 189-foot elevation contour line of the lakeshore.
  - 4. Docks shall be secured to the shoreline. Generally, docks should be constructed from the shoreline; floating docks will be reviewed on an individual basis for all properties abutting Lake Montclair. An anchoring system must be submitted with a PIR for a floating dock. Floating docks may not be removed from the water or stored on the shoreline.
  - 5. No dock shall abut a neighboring dock to create a boardwalk. Joint venture docks are only permitted for certain Island Homeowners Association (IHA) docks as described in the IHA Master Dock Plan.
  - 6. Docks may have low rails and toolboxes in the form of a solid bench. A single shaded pole light, which shines solely within the perimeter of the dock itself, is permitted.
  - 7. Stairways and walkways that traverse the 100-foot RPA buffer may not exceed 42 inches in width.
  - 8. Items such as sheds, gazebos, boat-landing covers, electronic insect traps, tires used as bumpers, and speaker systems are not allowed on docks.
  - 9. The owner is solely responsible for the safety and structural integrity of the dock.
  - 10. Dock owners are responsible for displaying an MPOA assigned Dock Number, clearly visible on the dock from waterside approach.
- G. Dock Construction and Repair Provisions:
  - 1. MPOA PIRs are required for all docks on Lake Montclair.
  - 2. Prince William County Building and Electrical permits are required and must be on file with MPOA prior to beginning construction of a new dock; whenever structural changes are made to an existing dock; or the dock is being rebuilt or re-anchored.
  - 3. Information to be included with PIRs for construction for docks:
    - a. Site plan and survey of the property abutting the lake, annotated with 189-foot elevation contour and showing the relationship of dock to the property boundaries and adjacent docks.
    - b. Drawing of the proposed dock.
    - c. Description of materials, including color; natural earth tones preferred (Oil-based paints or stains are not permitted).
    - d. Proof of \$1,000,000 liability insurance coverage with MPOA listed as additional insured and certificate holder.
    - e. MPOA Dock and Shoreline Improvement Permit Application.

4. Information to be included with PIRs for refinishing, resurfacing and refurbishing an existing dock when not matching the existing size, style and color of deck boards:
    - a. Site plan, denoted with 189-foot elevation contour, and showing relationship of dock to the property boundaries and adjacent docks.
    - b. Drawing of existing dock.
    - c. Description of materials, including color; Natural earth tones preferred (Oil-based paints or stains are not permitted).
- H. Shoreline Improvements: Shoreline improvements include all improvements other than docks between the property boundary lines of a lot eligible for a dock and Lake's water surface. All such improvements are subject to provisions in this section to include: Chesapeake Bay Preservation Act Restrictions; general liability insurance requirements; and annual MPOA Dock and Shoreline Improvement Permit requirements. This provision includes, but is not limited to: stairways, walkways, fences, landings, irrigation systems, boat racks, etc. between the property boundary lines of a lot eligible for a dock and the Lake's water surface, regardless of whether or not a dock is in place. As with docks, PIRs are required. A single MPOA Dock and Shoreline Improvement Permit may include an owner's dock and any associated shoreline improvements approved under provisions of this section.
- I. Insurance Requirements: All dock owners (including sub-associations that request community docks) and owners of shoreline improvements described herein will be required to provide MPOA with proof of valid general liability insurance coverage of not less than one million dollars (\$1,000,000), and must list the MPOA as a certificate holder or as additional insured when available through the insurance carrier.
1. Owners with insurance carriers providing the necessary coverage but unable to have MPOA listed as a certificate holder or additional insured will be required to provide MPOA a copy of a letter signed by the Insurance Provider addressed to the Owner indicating that coverage is in place for a current annual period, and that the carrier will not provide the requested services (certificate holder or additional insured), and that the Insurance Provider will provide MPOA with notice of any change to or cancellation or renewal of the policy. Property owners will obtain all applicable county permits and will accept liability for any damages that may occur to sewer lines, other utilities, or other MPOA property.
  2. In the event of a lapse of the \$1,000,000 liability insurance, the MPOA will take immediate legal action requiring the homeowner to remove the dock and/or shoreline improvements, or may take action to have these removed at the homeowner's expense, or take any other action as authorized by law or the Association documents. The lot owner will be responsible for all costs, including attorneys' fees, in the event of any such action.
  3. This \$1,000,000 insurance must remain in force for the entire duration of ownership of the lot if a dock and/or shoreline improvements are in place.
- J. Dock and Shoreline Improvement Permits:

1. MPOA Dock and Shoreline Improvement Permits are required for all docks on Lake Montclair and any Common Area improvements between the property boundary lines of a lot eligible for a dock and Lake's water surface. This permit constitutes a license agreement between MPOA and the homeowner for the dock and other shoreline improvements, and is intended to be temporary in nature.
  2. MPOA may terminate or modify the license hereby granted at any time in the event of any violation of this permit or in the event the Board of Directors, in its sole discretion, determines it necessary or in the best interest of the Association to do so. In the event of termination of the license or this permit, the Owner shall promptly remove all docks and/or shoreline improvements and restore the licensed area to its condition prior to the modifications contemplated by this permit.
  3. The MPOA Dock and Shoreline Improvement Permit must be renewed annually. Owners must be current in annual assessments and have no outstanding dock or shoreline improvement violations at the time of renewal. Owners must submit the renewal permit between October 1st and October 31st. Renewal fee is \$5.00 (no cash accepted) when renewed by October 31. There will be a \$200 late fee unless there is proof by November 10 that insurance was in effect since November 1st of that year. An owner who fails to submit a complete annual Dock and Shoreline Improvement Permit Application, pay the annual renewal fee, and/or provide proof of required insurance by November 10th will be referred to legal counsel for immediate action to cause the removal of the owner's dock from Lake Montclair and all shoreline improvements from the Common Area. Additionally, the Association shall be entitled to recover all unpaid fees and all costs, including attorneys' fees, associated with the removal and with any legal actions to affect removal.
  4. Upon initial or renewal permit application, homeowners must submit proof of at least \$1,000,000 liability insurance in the form of the declaration page, and must list the MPOA as a certificate holder and as additional insured when available through the insurance carrier as described above.
  5. Per the terms of the Dock and Shoreline Improvement Permit, owners must agree to waive any claim against the MPOA from any liability relating to the dock and/or Shoreline Improvements, including but not limited to personal and property damage, and damage due to raising or lowering the water level in Lake Montclair.
- K. Failure to comply with these guidelines shall be grounds for forfeiture of permission to have and maintain a dock on Lake Montclair and or shoreline improvements described herein, with the removal of same to be at the option of the MPOA with all costs and fees at the owner's expense. Acceptance of the terms of the MPOA Dock and Shoreline Improvement Permit shall be sufficient proof of acknowledgment of these restrictions and liabilities.

**Island Homeowners Association:** The Island Homeowners Association (IHA) Master Dock Plan allows certain joint venture docks with a maximum allowable size of 12 feet by 14 feet. No walkways to docks are allowed. Low voltage walk lights (such as Malibu lights) are allowed along the descending stairs leading to docks. The IHA Master Dock Plan limits dock size dimensions to 8 feet by 12 feet. IHA dock owners must comply with both MPOA

and IHA restrictions The Island Homeowners' Association (IHA) Master Dock Plan allows certain joint venture docks with a maximum allowable size of 12 feet by 14 feet. Walkways to docks within IHA common areas must be approved by the IHA board and the county regulator for the RPA. The IHA Master Dock plan limits dock size dimensions to 8 feet by 12 feet.

**Water's Edge and Southlake Landing Townhome Associations:** Southlake Landing and Water's Edge Townhome Associations may have community docks, which shall be approved on an individual basis.

#### **5.4.9 Dog Houses and Dog Runs**

**Pre-Approved:**

A. Non-permanent dog house with a base located in the backyard.

**Quick Track:** None

**Requirements and Restrictions:**

- A. Dog runs constructed with chain link fencing must be located inside solid privacy fencing.
- B. Any visible dog run shall meet the criteria for fencing Community Guideline 5.4.13 - Fences.

**Nob Hill Forest Townhome Association:** Dog houses and dog runs are not permitted.

**Water's Edge Townhome Association:** Dog houses and dog runs are not permitted.

#### **5.4.10 Doors, Entry/Storm and Garage**

**Pre-Approved:**

- A. Full or split view, clear glass storm doors that are white or match the front door color or trim color of the house and doors.
- B. Replacement of entry/storm and garage doors which are like for like, except for modern materials.

**Quick Track:** Replacement of garage doors which are like for like except for new materials.

**Requirements and Restrictions:**

- A. No specific requirements, but see Section 5.4.D for a list of criteria that are considered with all PIR's.

**Island Homes:** Only full view glass storm doors in white are permitted on cluster homes. All front doors on the island must have an approved PIR and should attempt alignment with the

original builder installed door and be in harmony with the architectural design of the community. Side-facing cluster home doors are traditionally glass and the front facing doors are traditionally full-paneled. Garage doors for cluster homes may be of wood construction or aluminum and in a color as close to the trim color of McCormick Exterior Luster Latex, Amber White paint as possible.

**Nob Hill Forest Townhome Association:** Exterior doors may not deviate from the original solid door style and door color. Only full view glass storm doors or full view storm doors with one small dividing bar through the middle are permitted. Storm door color must be in white or the dominant color of the house.

**Northside:** Applications will be reviewed on an individual basis regarding the style and color of the proposed storm door.

**Southlake Cove and Southlake Landing:** Only full view glass doors in white or the dominant color of the house are permitted. Full view storm doors with one small dividing bar through the middle are permitted. All changes to exterior doors in Southlake Landing and Southlake Cove Townhomes Association which differ from the original door require advance PIR approval of the MPOA and Townhome Association.

**Water's Edge Townhome Association:** Only full-lite, hi-lite, full view with kick plate and self-storing storm doors are authorized. Storm doors must be white or the color of the front door. Only these styles are authorized for solid panel, French, or full glass paned doors. Doors are to be painted as close to the original color as possible or white.

#### **5.4.11 Driveways**

**Pre-Approved:**

A. Replacement driveway in the same size, color, and material.

**Quick Track:** None

**Requirements and Restrictions:**

- A. The concrete apron is the responsibility of VDOT. Any changes to the apron must be either completed by VDOT or the homeowner must have approval from VDOT.
- B. Stamped concrete driveways will be considered on a case by case basis.

#### **5.4.12 Electronic & Propane Insect Traps**

**Pre-Approved:**

A. All portable units in the rear yard.

**Quick Track:** None

**Requirements and Restrictions:**

- A. No specific requirements, but see Section 5.4.D for a list of criteria that are considered with all PIR's.

### **5.4.13 Fences for Single Family Homes**

**Pre-Approved:** None

**Quick Track:** None

#### **Requirements and Restrictions:**

- A. Fences constructed of pressure treated wood are to be left to either weather naturally or stained in a semi-transparent stain in a natural wood color. Redwood stains, paint or solid stains of natural wood color which aesthetically blend with the home and neighborhood will be considered on an individual basis. (See appendix 'C' for examples) Wrought iron, aluminum and vinyl/composite fences and gates will be considered on an individual basis.
- B. Fences must be constructed so that the finished side faces the surrounding properties.
- C. Fences must tie into neighboring fences, if applicable.
- D. Fences must be placed against the property line or a minimum of five feet inside the property line. The property owner, not MPOA, is responsible for locating the property lines. A professional survey is strongly encouraged prior to construction.
- E. Fences shall be restricted to the side and rear yards, with none extending beyond the front of the house. This restriction excludes homes on a pipestem where the front yard is situated behind another lot.
- F. Fences greater than four feet in height must have a symmetrical dip, scalloped top, decorative lattice portion at the top of the fence, dog-eared straight top, or flat straight top. Fences will not exceed a height of 6 feet.
- G. No fence can be positioned to hinder traffic visibility.
- H. Only vinyl coated green, brown, or black wire security liners that do not extend above the fence line can be used for split rail fences.
- I. Fences must be installed so that the top of the fence is parallel with the contour of the land.
- J. Fences shall be properly maintained, and the Association may require repair or replacement of broken, deteriorated, or discolored fences.
- K. Grandfathered fences not meeting current guidelines must be replaced with an approved style fence when replacement is requested or needed.
- L. For lake front fences:
  - 1. Only split rail fences with two or three rails are permitted.
  - 2. The lot line parallel to the water may not be fenced.
  - 3. Construction of a fence twenty-five feet from the water may be considered. Appropriate landscaping is required for these fences.
  - 4. The use of vinyl coated green or brown wire, no taller than 18" high and no farther than 12" from the shoreline, is permitted to deter wildlife encroachment.

#### **5.4.13 Fences for Single Family Homes (cont.)**

- M. Double fencing: Double fencing is not permitted except in the following situations:
1. Double fencing may be considered if the inset fence was previously approved by the Covenants Committee and installed as approved. In this case, the owner of the approved inset fence is responsible for maintaining the corridor between the two fences.
  2. Double fencing may be considered if the owner of a split-rail fence is unwilling to have their fence section replaced or unwilling to install wire lining (for a split-rail fence) by a fence used to contain pets or children.
  3. Existing, previously approved, double fencing will be allowed to remain until one of the fences needs to be replaced.

#### **5.4.14 Fences for Townhomes and Cluster Homes**

##### **Pre-Approved:**

- A. For Nob Hill Forest Townhomes, Southlake Landing Townhomes, Southlake Cove Townhomes, and Water's Edge Townhomes: Fences may be painted with Behr solid color stains Padre Brown, Wood Chip, Russet, Valise, Chocolate and Sable. Paints from other suppliers that are an exact match to these colors are acceptable.

**Quick Track:** None

##### **Requirements and Restrictions:**

- A. Fences are to be constructed of wood and are to be left to either to weather naturally or stained in a semi-transparent stain in a natural wood color. No redwood stains will be acceptable. Paint or solid stains of natural wood color which aesthetically blend with the home and neighborhood will be considered on an individual basis.
- B. Fences should be placed against the property lines.
- C. Fences must be constructed so that the finished side faces the surrounding properties.
- D. Fences must tie into neighboring fences, if applicable.
- E. Fences must have at least one gate to allow for removal and storage of trash containers.
- F. Fences may not exceed 6' in height at any point.
- G. Fences must be installed so that the top of the fence is parallel with the contour of the land.

**Alexander Square Townhomes:** Fence style is 6', alternating board-on-board with a straight top.

**Island Homes:** Single-family homes may have fences which comply with the guidelines for single-family homes. Cluster homes are not permitted fences. Island Single Family homes are the only homes on the island allowed to have any fencing along the water.

**Nob Hill Forest Townhome Association:** Fence style is 6', alternating board-on-board with a straight top. End unit townhome fencing may only begin midway between the

front and rear corners of the unit or at the rear corner. Fencing cannot extend into or block the ingress-egress utility easements between end townhome units. Decks may be painted with Behr solid color stains, Padre Brown, Wood Chip, Russet, Valise, Chocolate and Sable. Paint from other suppliers that are an exact match to these colors are acceptable. Other colors and materials are subject to Nob Hill Forest Townhome Association approval.

**Northside Townhomes:** Fence style is 6', alternating board-on-board with a straight top. No redwood stains, paint, or solid stains will be acceptable.

**Southlake Cove and Knolls Townhomes:** Fence style is 6', alternating board-on-board with a straight top. Townhomes with their rear facing a wood line are authorized fences with 6' height on sides and rear, or the rear may symmetrically dip from 6' in height at the corners to three feet in height. Townhomes whose rears are exposed to the rear of other townhomes or whose rears face a roadway are restricted to a 6' fence height. End unit townhome fencing is restricted to the rear of the building. It may extend from the rear side property line to the midway point of the building. Waterfront or water view townhomes are authorized a fence with 6' tall sides extending 12' from the rear corner of the house, then symmetrically dipping to three feet out to the rear fence line, then continuing at three-feet across the rear. Fence gates are required in an enclosed back yard. Gates will be constructed at a height within six inches of the height of the fence on either immediate side. Townhomes whose rear yard faces a retaining wall (as in the Knolls) shall construct their fence so that no part of the fence or other structure extends into the three-foot maintenance easement on either side of the retaining wall, as specified by the plat. For the special case of "split-end units" in Southlake Knolls (double end units with two doors on the end of the building): Units with the side windows facing the street and/or on the front of the block and no backyard fence of any sort will be permitted. Split-end units with the side of the home facing the back of the building, and/or the rear of the block—the yard parallel to the other backyards may be fenced. The fence may extend from the side of the building to the property line but may not extend forward past the front of the unit (the side with the front door). All other colors must be approved by the Southlake Cove Townhomes Association.

**Southlake Landing Townhomes:** Fence style is 6', alternating board-on-board with a straight top. For units that back to a wooded area, the rear lot line may have a three-foot fence with a symmetrical dip at the two corners that abut the 6' side sections. Townhomes whose rears are exposed to the rear of other townhomes are restricted to a 6' fence on the rear fence line. End unit tri-level (units with basements) townhome fencing is restricted to the rear of the building. It may extend from the rear of the building to the side property line, but may not extend forward along the side property line past the rear corner of the building. Waterfront townhomes are only authorized a fence with 6' tall sides extending twelve feet from the rear corner of the house, then symmetrically dipping to three-feet to the rear fence line, then continuing at three-feet across the rear. Gates will be of the same height and style as the fence. All colors must be approved by the Townhome Sub association.



**Water's Edge Townhomes:** Landscaping alternatives to the use of fences are encouraged. All fences must be 6', alternating board-on-board with a straight top. Gates must match the style and height of the fence. For units that back to a wooded area or to Lake Montclair, the rear lot line may have a three-foot fence with a symmetrical dip at the two corners that abut the 6' side sections.

#### **5.4.15 Fire Pits, Grills, Cookers and Patio Heaters**

**Pre-Approved:**

A. Portable only (Permanent structures require a PIR)

**Quick Track:** None

**Requirements and Restrictions:**

- A. All grills must be stored in the rear of the house.
- B. Permanent grills must be placed in the rear of the house and cannot be located within 10 feet of the side and rear property lines.

**Southlake Landing:** Fire pits, both portable or in-ground, are prohibited in townhome yards or common areas. Portable grills and cookers are limited to rear yards and not allowed in front yards, on sidewalks, streets or parking spaces.

**Nob Hill Forest Townhome Association:** Fire pits, both portable or in-ground, are prohibited in townhome yards or common areas. Portable grills and cookers are limited to rear yards and not allowed in front yards, on sidewalks, streets or parking spaces.

**Southlake Cove Townhome Association:** Fire pits, both portable or in-ground, are prohibited in townhome yards or common areas. Portable grills, smokers, cookers, and the like, are limited to rear yards and not allowed in front yards, on sidewalks, streets or parking spaces.

**Water's Edge Townhome Association:** Permanent grills and fire pits not permitted. Portable grills permitted on upper deck and rear yard only.

#### **5.4.16 Firewood**

**Pre-Approved:**

A. Firewood stacks that meet all of the following requirements and restrictions do not need a PIR.

**Quick Track:** None

**Requirements and Restrictions:**

- A. Firewood must be neatly and inconspicuously stored in a stack of six feet or less in height.
- B. Firewood stacks may not contain logs over four feet in length.

- C. Stacks must be located to the rear or side of the residence.
- D. Firewood stacks may not be placed in contact with a perimeter fence.
- E. Firewood stacks must be located at least 5 feet from rear and side property lines if there is no fence on that property line.
- F. Stacks of more than two cords of wood per single family home and one cord for town homes require a PIR and may also require screening.

**Island Homes:** Firewood may not be stacked or stored in IHA common areas, except in the area directly behind The Island Homes cluster homes.

**Southlake Landing, Southlake Cove and Nob Hill Forest Townhome**

**Association:** Firewood must be stored to the rear of the townhome. End unit townhomes must screen these items from front and side view.

**Water’s Edge Townhouse Association:** Firewood is to be stored as far away from the townhouse as possible. If the yard is fenced, the wood is to be placed inside the fence. If the yard is not fenced, the wood is to be placed at the furthest point away from the townhouse on the common fence or near the townhouse rear property line. Wood is not to be stored in front yards, side yards, or common ground property.

**5.4.17 Flagpoles**

**Pre-Approved:**

- A. No approval is required for holders for temporary flags or banners provided such holders attach to the residence or an approved addition. The maximum number of temporary flagpoles, including garden flag holders is 2 for any lot.

**Quick Track:** None

**Requirements and Restrictions:**

- A. Permanent, freestanding flagpoles must be installed and maintained in a vertical position.
- B. Only two freestanding flagpoles are permitted per lot or dock.
- C. See Community Guideline 5.4.7-Decorative Objects for information on flags.

**Water’s Edge Townhouse Association:** Freestanding flagpoles are not allowed in this community.

**5.4.18 Garage Sales/Yard Sales**

**Pre-Approved:**

- A. Garage sales and yard sales are restricted to the confines of that owner’s lot.

**Requirements and Restrictions:**

- A. A homeowner may conduct a garage sale or a yard sale up to four times per 12-month period. (Montclair-Sponsored Community Yard Sales do not count toward the four garage sales per year limitation.)
- B. Homeowners must follow all MPOA signage guidelines when advertising the garage/yard sale. See Section 5.4.41.
- C. A shared driveway or pipe-stem may not be used to conduct a yard/garage sale unless written consent has been obtained from all neighboring property owners who utilize that driveway or pipe-stem.

**Island Homes:** It is strongly requested that garage sales be held in the circle at the front of the island due to the limited vehicle access.

#### **5.4.19 Fruit/Vegetable Gardens**

**Pre-Approved:** Gardens that meet the following requirements and restrictions do not require a PIR:

- A. Located between the rear line of the dwelling and the rear property line and covers less than 25% of the open area.
- B. Located on the side of the house and does not exceed 4 feet out from the foundation.
- C. Does not adversely impact or damage abutting property in terms of weed growth, unsightliness, adverse drainage, etc.
- D. Raised gardens can be no more than 12” above the grade of the surrounding area
- E. For vegetable gardens, animal deterrent materials may be used up to a height of the plant’s full maturity but must be removed at the end of the growing season.

**Quick Track:** None

**Requirements and Restrictions:**

- A. For potted fruits/vegetables see Community Guideline 5.4.7 – Decorative Objects.
- B. Any other garden that does not meet the Pre-approved requirements will be reviewed on a case by case basis.

**Nob Hill Forest Townhome Association:** Vegetable gardens are limited to backyards only.

**Water’s Edge Townhome Association:** Butterfly and ornamental landscaping are permitted in front, rear, and side yards. Vegetable gardens are limited to backyards only.

#### **5.4.20 Gazebos**

**Pre-Approved:** None

**Quick Track:** None

**Requirements and Restrictions:**

- A. Gazebos must be located in the rear yard and meet all county setback requirements.
- B. Exterior finish and roofing colors should be compatible with the main dwelling.

- C. Gazebos cannot extend higher than 12 feet at the peak.

**For Water's Edge Townhome Association:** Gazebos are not permitted.

#### **5.4.21 Gutters and Downspouts**

**Pre-Approved:**

- A. Replacing the gutters and downspouts in the existing style, material, and color.

**Quick Track:**

- A. Gutters and downspouts meeting the Requirements and Restrictions below.

**Requirements and Restrictions:**

- A. Corrugated plastic tubing in lengths over six feet, used to direct downspout flow, must be concealed.
- B. Gutters and downspouts shall match the color of the trim or the dominant color of the house.
- C. Downspouts and tubing may not be placed so as to cause damage and/or interfere with the use of sidewalks and adjacent properties.

**Island Homes:** Gutters and downspouts must match standard trim paint requirements on Island Cluster Homes.

**Water's Edge Townhome Association,** gutters and downspouts must be white and in the existing style and material.

#### **5.4.22 Hot Tubs and Spas**

**Pre-Approved:** None

**Quick Track:** None

**Requirements and Restrictions:**

- A. Hot tubs and spas must be located to the rear of the dwelling;
- B. A locking cover is required for any hot tub or spa that is located in a rear yard that does not have a 6' fence;
- C. A hot tub or spa must be an integral part of the deck, patio, or landscaping and may require screening;
- D. Spas and hot tubs may not require a six-foot fence if the deck or platform on which it is located is at least three feet above the ground, has three-foot rails, and is secured with a locked gate above the steps that lead to the deck from the ground level.
- E. Hot tub and spa owners should contact Prince William County regarding the correct procedure for dumping water from their hot tub or spa. Hot tub and spa water shall not be dumped into Lake Montclair, the storm water drains, or common area.

#### 5.4.23 House Numbers

##### Pre-Approved:

- A. Numbers four to six inches in height, placed on the house, and meet all the following requirements and restrictions do not require a PIR.

##### Quick Track: None

##### Requirements and Restrictions:

- A. House numbers are required on both the mailbox and the house itself and are highly recommended to be painted on the curb for emergency/medical reasons.
- B. House numbers should be legible, easily visible from the street, and a color appropriate for the mailbox and house.
- C. Decals or press-on numbers are not permitted on houses

#### 5.4.24 Landscaping

##### Pre-Approved:

- A. Landscaping
  1. Foundation planting (bed areas surrounding the home)
  2. Planting trees or shrubs
  3. Any plantings in the rear yard.
  4. Plantings that cover less than 25% of the front yard
  5. Landscaping around a mailbox, provided it does not impede access to the mailbox
  6. Mulch
  7. Low growing plant materials used for the purpose of ground cover.
  8. Natural colored stone or mulch used under a raised deck in an area the same dimensions as the deck above.
- B. Landscape Edging
  1. Natural wood timbers no greater than twelve inches high;
  2. Natural wood edging with straight top edge installed no higher than four inches above ground level;
  3. White, gray, and dark earth tone brick installed horizontally or on the diagonal, no higher than four inches above ground level (this does not include construction grade brick i.e. with holes through them);
  4. Natural rock borders or brick borders less than 24" high
  5. Lawn edging when installed so that no more than five inches is exposed.

##### Quick Track: None

##### Requirements and Restrictions:

- A. Bare ground, cement, or asphalt in lieu of grass, mulching, or ground cover, is not permitted.
- B. Edging of wire, metal, and/or plastic, above 5 inches will be evaluated on an as-needed basis.
- C. No tree, hedge, or shrub may be planted or maintained in such manner as to obstruct pathways, sidewalks, or sight lines for vehicular traffic or to interfere with the

purpose for which easements are established, as to installation, maintenance, or access.

- D. No tree, hedge, or shrub may be planted or maintained in such a manner as to encroach on any neighboring property or common area.
- E. No plantings of any kind are permitted on MPOA common ground without PRIOR express written approval from the MPOA BOD.
- F. Foundation plantings are required in the front of any home whose foundation wall is exposed more than 18 inches.
- G. All plants/shrubs within view from the curb shall be neatly trimmed and well maintained.

**Southlake Cove Townhome Association:** Evergreen foundation plants/shrubbery are required and must be present along the front facing foundations of all townhomes. Plant/shrubs should be neatly trimmed at all times and cannot be higher than the bottom sill of the windows or block walkways. Lawn turf must not exceed 6 inches in height. Only edging of wood, stone or mulch is acceptable in front and side yards. If shrubbery is removed along the foundation, it must be replaced with shrubbery. Only one tree is allowed in each front yard, but not required.

**Water's Edge Townhome Association:** Bushes in front of townhomes must be replaced with Evergreen foundation plants/shrubs (i.e. boxwoods, azaleas, holly and arborvitae bushes) and must be present along the entire length of the front facing windows of all townhomes. Shrubs/bushes should be neatly trimmed at all times and cannot be higher than the bottom sill of the windows or block walkways. Lawns must not exceed 6 inches in height. Only edging of wood, stone, or mulch is acceptable in front or side yards.

**Nob Hill Forest Townhome Association:** Evergreen foundation plants and shrubbery are required and must be present along the front facing windows of all townhomes. Plants, shrubs, and evergreens shall be trimmed and cannot be higher than the bottom sill of the windows, block walkways, or porches. Houses with full length front porches must trim all landscaping to below the bottom horizontal railing on the porch. Lawn turf must not exceed 6 inches in height. Only edging of wood, stone or mulch is acceptable in front and side yards. Only one small caliber tree is allowed in each front yard.

**Southlake Landing:** Evergreen foundation plants/shrubbery are required and must be present along the entire front facing windows of all townhomes. Plant/shrubs should be neatly trimmed at all times and cannot be higher than the bottom sill of the windows or block walkways. Lawn turf must not exceed 6 inches in height. Only edging of wood, stone or mulch is acceptable in front and side yards. If shrubbery is removed along the foundation, it must be replaced with shrubbery. Only one tree is allowed in each front yard.

**Water's Edge Townhome Association:** Evergreen foundation plants/shrubs (i.e. boxwoods, azaleas, holly and arborvitae bushes) are required and must be present along the entire length of the front facing windows of all townhomes. Plants/shrubs should be

neatly trimmed at all times and cannot be higher than the bottom sill of the windows or block walkways. Lawns must not exceed 6 inches in height. Only edging of wood, stone, or mulch is acceptable in front or side yards.

#### **5.4.25 Lighting**

##### **Pre-Approved:**

- A. Low voltage landscape lights not higher than 18”, evenly spaced, with concealed wiring.
- B. Spotlights on the rear of the house that must be directed to shine inside the property line (may operate on a motion detector)
- C. Replacing existing lighting in the same style, color and material.
- D. Lighting, intended to illuminate an American Flag, not directed toward another resident’s property.
- E. A single-pole lamp post in black or oiled bronze with a single light fixture on the post (can have multiple light bulbs within single fixture)

**Quick Track:** None

##### **Requirements and Restrictions:**

- A. No exterior lighting shall be directed outside the applicant’s property.
- B. Lakefront homes will not direct lighting beyond the shoreline.

**Island Homes:** Replacement of the exterior lamp post for cluster homes should conform to the original fixture as closely as possible. This requires a black lamp post with a lighting fixture combining clear glass with polished brass approximately 16 inches high by 9 inches wide. A PIR for replacement of the exterior lamppost is required. No exterior lighting (to include and not limited to solar lights) shall be installed or directed within Island HOA common areas with the exception of pathway or stair low voltage lighting (ex: Malibu lights) leading to docks. These lights will be used for dock access and egress and remain off during all other night time hours.

**Nob Hill Forest Townhome Association:** Replacement of exterior lights should conform to the size and color of the original fixture as closely as possible. Motion detection and Photo-sensor replacements similar to the original lights are encouraged to enhance security within the community. Yard lights must be maintained and operational with only non-color bulbs.

**Southlake Cove Townhome Association:** Replacement of exterior lights should conform to the size and color of the original fixture as closely as possible. Motion detection and Photo-sensor replacements similar to the original lights are encouraged to enhance security within the community.

**Southlake Landing:** Replacement of exterior lights should conform to the size and color of the original fixture as closely as possible. Motion detection and Photo-sensor replacements similar to the original lights are encouraged to enhance security within the community.

**Water's Edge Townhome Association:** Replacement of exterior lights should conform to the size and color of the original fixture as closely as possible. Motion detection replacements similar to the original lights are encouraged to enhance security within the community.

#### **5.4.26 Mailboxes and Supports**

**Pre-Approved:**

A. Mailboxes and Supports meeting the Requirements and Restrictions below.

**Quick Track:** None

**Requirements and Restrictions:** (See Appendix 'D' for examples)

- A. Mailboxes shall be standard manufacture, black, metal or plastic, and size as recommended by the US Postal Service.
- B. Mailbox supports for single family homes shall be made of pressure treated wood, or a wood naturally resistant to rot and decay and must be of the approved style indicated in Appendix 'D'.
- C. Mailbox support size and height must be in compliance with USPS Regulations as defined in the USPS Mailing Standards Domestic Mail Manual, section 632.524, May 2007. (41" to 45" in height from the street surface and setback 6" to 8" from the curb face or edge of road to the mailbox door)
- D. Supports may have a "paper" box similar to that shown in Appendix 'D'.
- E. The wood may be left to weather naturally, treated with a clear sealant, stained dark brown, or painted flat dark brown. No other finishes are acceptable.
- F. Decorative boxes or mailbox decorations are prohibited, except within 30 days of a holiday.
- G. For single family homes with cluster mailboxes (single support post housing multiple mailboxes), at a time when the mailbox support falls into disrepair and must be replaced, the homeowners have the option of installing an individual mailbox support post for their mailbox.
- H. House numbers must be attached to the mailbox or mailbox post. See Community Guideline 5.4.23 – House Numbers.

#### **5.4.27 Major Alterations**

Major alterations include, but are not limited to room additions, porches, greenhouses, driveways, garages, and carports, enclosing an existing patio or deck, and other additions to the dwelling.

**Pre-Approved:** None

**Requirements and Restrictions:**

- A. PIR must include a construction plat.
- B. Drawings for the alteration must list the dimensions, materials, elevations of the alteration.

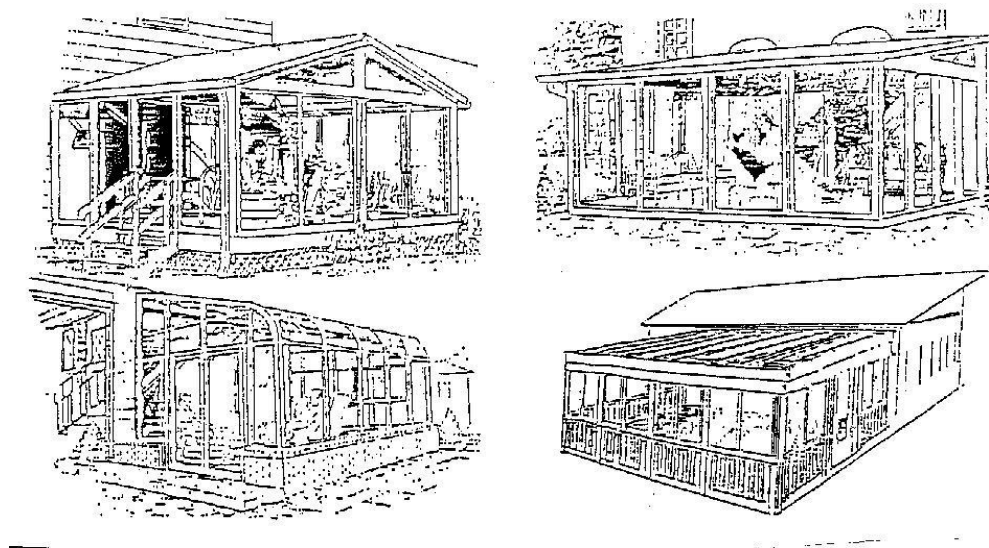


- C. PIR must include a plan for storage construction material, to minimize the visual effect on surrounding properties.
- D. No debris shall accumulate during construction. Excess material must be removed immediately and disposed of properly.
- E. Reference MPOA Declaration, Section 6.7, Foundation and Masonry Walls for all major alterations that require a solid foundation.
- F. Major Alterations with mostly transparent walls (Sunrooms, Screened-in porches) must be kept clear of debris. Structures which enable the interior to be easily viewed from the street or neighboring properties cannot be used as storage or become an eyesore in any way.

**All Sub-Associations:** all requests for major exterior alterations and additions must be approved by the Sub-Association Board

**Water's Edge Townhome Association:** front stoops/porches may be enclosed with railings or lattice on a case-by-case basis.

### Examples – Room Enclosures



## 5.4.28 Outdoor Storage Containers

### **Pre-Approved:**

- A. Storage containers 36” in height and a maximum quantity of two. (Any quantity over 2 or greater than 36” in height require that a PIR be submitted)
- B. Any furniture (benches, seats, etc.) which contain storage space are not subject to these requirements. They will be considered moveable furniture and do not require a PIR.

**Quick Track:** None

### **Requirements and Restrictions:**

- A. An outdoor storage container is defined as a non-framed structure made from or molded in plastics. Brand names like Rubbermaid, Black and Decker, Home Depot, Suncoast, and similar brand containers fit this category.
- B. Permitted for use only in the rear yard.
- C. Screening or landscaping may be required to minimize the effects on surrounding properties.
- D. Personal On Demand Storage (PODS) are defined as portable, temporary, outdoor storage containers permitted only to accommodate residents move in and move out, or during major renovations. The following requirements also apply:
  - 1. All applicable PWC regulations apply.
  - 2. Only one POD is permitted per Lot, not to exceed two weeks in duration.
  - 3. The POD must be located on the Lot, preference is the Lot’s driveway.
  - 4. Written notice specifying the dates of use and diagram of location must be provided to the MPOA Management Company prior to use. Any extensions of time for use must be requested by the Owner listing extenuating circumstances.
  - 5. The Lot Owner(s) are responsible for the cost and repair of any damage by the placement, storage, and removal of such a container to the Common Area, adjacent property, to include Lots, driveways, parking lots, and streets. Owner(s) should require liability coverage from the provider.

**Nob Hill Forest Townhomes Association:** Containers such as Portable On Demand Storage (PODS) require advance Board of Directors approval and may be placed in the assigned space ONLY for the purposes of moving into or out of a property, and only for a period not to exceed three (3) days. PODS cannot be placed in visitor spaces or parallel on streets.

## 5.4.29 Painting

### **Pre-Approved:**

- A. Repainting or staining a specific object to match a previously approved color.

**Quick Track:** None

### **Requirements and Restrictions:**

- A. Color changes require a PIR and apply not only to the house siding, but also to doors, shutters, trim, stoops, porches, steps, and/or other related structures.

**Island Cluster Homes:** Only the original siding stain and trim paint colors will be used on Island Cluster Homes. The gray stain or paint is McCormick Fairfield 911. Wood and PVC trim paint is McCormick Exterior Luster Latex, Amber White paint. Other brands are acceptable, but they must match the McCormick colors. No other colors are acceptable. To ensure a match for all stain and paint brands, Island Residents must use sample boards that display these colors available from IHOA Officers. Docks, decks, and steps may be left natural or stained the McCormick Fairfield 911 color. Clear sealers may be applied, but no sealant that contains staining properties, other than McCormick Fairfield 911, is acceptable.

**Nob Hill Forest Townhome Association:** When repainting only the original trim paint colors shall be used. Paint colors must be chosen from the McCormick Colonial Exterior Color Collection (formerly McCormick Williamsburg Exterior Color Collection). Other brands are acceptable but they must match the McCormick Colonial colors. When repainting, shutters must be painted in the same style, size and color as the door.

**Southlake Cove Townhome Association:** Paint colors must be chosen from the McCormick Colonial Exterior Color Collection (formerly McCormick Williamsburg Exterior Color Collection). Other brands are acceptable, but they must match the McCormick Colonial colors. When repainting, shutters must be painted in the same style, size and color as the door. Paint colors must be chosen from the McCormick Colonial Exterior collection (formerly McCormick Williamsburg Exterior Color Collection). Other paint brands are acceptable, but they must match the McCormick Colonial exterior colors.

**Southlake Landing:** When repainting, shutters must be painted in the same color as the door. Paint colors must be chosen from the McCormick Colonial Exterior collection (formerly McCormick Williamsburg Exterior Color Collection). Other paint brands are acceptable, but they must match the McCormick Colonial exterior colors.

**Water's Edge Townhome Association:** Exposed foundation is to be painted the color of the vinyl or white siding on the townhouse. Wood trim around windows, roofline, and front door shall be painted white. Cladding of wood trim is recommended but may be replaced with vinyl and authorized in white only. Front concrete stoops (front porches) are not to be painted or covered with outdoor carpet. Front concrete stoops (front porches) are not to be painted or covered with outdoor carpet.

#### **5.4.30 Patios**

**Pre-Approved:** None

**Quick Track:** None

**Requirements and Restrictions:**

- A. Patios should be located in the rear or side yards, but front locations will be evaluated on an individual basis.
- B. A PIR is required for any paint, stain, or colored sealant applied to any wood patio.

- C. If changes in grade are anticipated, they must be indicated, and the new proposed drainage should be shown on the plat. Grading changes should not increase the way water flows onto neighboring properties.

**Nob Hill Forest Townhome Association:** Screening is required around all ground level patio/decks constructed of, but not limited to concrete, gravel, brick, stone or other material which is in keeping with the strict aesthetic theme of Nob Hill Forest THA. Screening will consist of hedging, fencing or other plantings, provided it is consistent with these guidelines and has been approved by the Sub-association. Concrete patios are subject to review by the Sub association; and must be surrounded by permeable surfaces to dissipate water flow and prevent water flow into adjoining yards and surrounding common areas.

**Southlake Landing:** Screening is required around all ground level patio/decks constructed of, but not limited to concrete, gravel, brick, stone or other material which is in keeping with the strict aesthetic theme of Southlake Landing Townhome Association. Screening will consist of hedging, fencing or other plantings, provided it is consistent with these guidelines and has been approved by the Sub association. Concrete patios are subject to review by the Sub association; and must be surrounded by permeable surfaces to dissipate water flow and prevent water flow into adjoining yards and surrounding common areas.

**Southlake Cove Townhome Association:** Concrete patios are subject to review by the Sub-association; and must be surrounded by permeable surfaces to dissipate water flow and prevent water flow into adjoining yards and surrounding common areas.

**Water's Edge Townhome Association:** Rear yard concrete patios are subject to review by the Sub association, and must be surrounded by permeable surfaces to dissipate water flow and prevent water flow into adjoining yards and surrounding common areas. Patios not permitted in front or side yards.

#### 5.4.31 Privacy Screening

**Pre-Approved:** None

**Quick Track:** None

**Requirements and Restrictions:**

- A. Privacy screening will only be approved on a small portion of a lot.
- B. Privacy Screen styles six feet high are appropriate for privacy screening.

**Water's Edge Townhome Association:** Privacy wood lattice partitions/screens are permitted on the sides of upper decks. Color must match deck color. Screening made from plastic, vinyl, metal, or solid wood is not permitted.

**Townhomes** - Upper level deck partitions on townhomes are permitted and must be painted or stained to match the deck.

#### 5.4.32 Propane Tanks

**Pre-Approved:** None

**Quick Track:** Propane tanks meeting the Requirements and Restrictions below.

**Requirements and Restrictions:**

- A. Propane tanks will be located to minimize the visual impact on surrounding properties.
- B. Submission of a screening plan with a PIR is required for homes where the propane tank will not be appropriately screened by existing vegetation, fences, or structures.
- C. Propane tanks must not exceed 150 gallons in capacity.
- D. The number of propane tanks permissible per lot will be considered on a case-by-case basis.
- E. Indicate the location of the proposed tank and any other existing tanks on the plat provided with the PIR.

#### 5.4.33 Recreation and Play Equipment

**Pre-Approved:**

- A. Trampolines in the rear yard of single-family homes.
- B. Portable basketball goals following the criteria noted below.
- C. Portable play equipment in the rear yard of single-family homes.

**Quick Track:** None

**Requirements and Restrictions:**

- A. With the exception of basketball goals and single seat tree swings recreation and play equipment will only be allowed in rear yards and must be stored out of public view when not in use. Exceptions may be made for topography issues on a case by case basis. **Basketball Goals:** For safety reasons, neither portable nor permanent basketball goals may be placed in a street or within 15 feet of the curb. **When placing a basketball goal safety precautions are to be taken to prevent possible damage to neighboring yards, landscaping and parked vehicles.**
- B. **Play complexes:** Play complexes will be considered on a case-by-case basis.
- C. **Playhouses:** Electrical connections, electrical lines, and plumbing are not permitted in playhouses.
- D. **Hammocks:** Hammocks in the rear yard of single-family homes.
- E. **Skateboard Ramps:** No permanent skateboard ramps may be constructed on lots or common areas within Montclair. Portable skateboards ramps must be stored out of public view when not in use.
- F. **Swing Sets:** Must be painted in an earth tone or, if wooden, left natural in color.
- G. **Trampolines:** Trampolines are permitted for Single Family Homes and must be placed in the rear yard.
- H. **Tree Houses:** Tree houses are not allowed in Montclair.

No basketball goals of any type are permitted for townhomes, cluster homes and semi-detached (duplex) homes.

Trampolines are not permitted in Sub-Associations (townhomes or cluster homes).

**Nob Hill Forest Townhome Association:** Playhouses, temporary removable swimming pools and play equipment may only be placed within rear yards, must not exceed six feet in height, and must be screened by a six-foot rear fence. No skateboard ramps are allowed on lots or common areas. No basketball backboards or other play equipment are allowed on common areas, to include sidewalks, streets and parking spaces.

**Southlake Landing and Southlake Cove:** it is recommended that residents of Southlake Landing use the abundant play areas within their sub-association instead of constructing or purchasing their own equipment. In cases where the member insists on having his or her own items, the items must be enclosed by a fence and the highest point of the playhouse, play complex, or swing set must be no taller than the fence. This will obviously be almost impossible where a three-foot fence is installed, or along lakefront properties. No skateboard ramps are allowed on lots or common areas. No basketball backboards or other play equipment are allowed on common areas, to include sidewalks, streets and parking spaces. **For Southlake Cove:** no skateboard ramps are allowed on Lots or common areas. No basketball backboards or other play equipment are allowed on common areas to include, but not limited to, sidewalks, streets, and parking spaces.

**Water's Edge Townhomes:** Metal play equipment must be painted in earth tones. Playhouses, swimming pools and other play equipment, permanent or temporary, may only be in fenced rear yards, never in common areas or front or side yards.

#### 5.4.34 Retaining Walls

**Pre-Approved:** None

**Quick Track:** None

**Requirements and Restrictions:**

- A. Retaining walls must be constructed of railroad ties, landscaping timbers, stones, brick, or reinforced concrete with brick veneer.
- B. No wall shall be maintained in such a manner as to obstruct sight lines for vehicular traffic or as to interfere with the purpose for which easements have been established as to installation, maintenance, or access.
- C. Must meet all county permit and guideline requirements.

#### 5.4.35 **Roofing**

##### **Pre-Approved:**

A. A PIR is not required to replace the roofing in the existing style, material, and color while also meeting the criteria listed below under Requirements and Restrictions.

**Quick Track:** Replacing roof shingles with similar material, as long as the color is from the following family of colors: Black, Grey, Brown, Tan.

##### **Requirements and Restrictions:**

Requirements and restrictions apply to sub-associations as follows:

**Island Cluster Homes:** Only cedar shake roofs or Enviroshake synthetic shakes are permitted on Island Cluster homes. Enviroshakes synthetic shakes installed are the color Aged Cedar. Point of contact for Installers can be obtained from the Island BOD.

**Nob Hill Forest Townhome Association:** Shingles must be the original style and color of the existing roofing, or match as closely as possible to the original roofing.

**Southlake Cove Townhome Association:** Shingles must be the original style and color of the existing roofing, or match as closely as possible to the original roofing.

**Southlake Landing:** Shingles must be the original style and color of the existing roofing, or match as closely as possible to the original roofing.

**Water's Edge Townhome Association:** Shingles must be standard 3-tab style forest or medium gray, as close to the original color as possible.

#### 5.4.36 **Satellite Dishes**

##### **Pre-Approved:**

A. Not to exceed 39" in diameter.

**Quick Track:** None

##### **Requirements and Restrictions:**

A. No specific requirements, but see Section 5.4.D for a list of criteria that are considered with all PIR's.

#### 5.4.37 **Seawalls, Bulkheads, Rip-rap, and Culverts**

##### **Definitions:**

A "seawall" is any structure that is placed onto or into the ground for the purpose of preventing soil erosion caused by surface or sub-surface wave action.

A “bulkhead” is any structure that is placed onto or into the ground for the purpose of preventing soil erosion caused by natural or man-made water flow upon the surface of the ground.

A “Rip-rap” is a sustaining wall of loose stone used to prevent erosion.

A “culvert” is a channel of rock, cement, or other material, which serves to drain a section of land.

**Pre-Approved:** Native-plant vegetated shorelines only. Refer to <https://www.dcr.virginia.gov/natural-heritage/document/riparian-nat-plants.pdf> for a list of acceptable native plants.

**Quick Track:** None

**RPA Considerations:** RPA provisions apply; see Section 5.4 General.

**Requirements and Restrictions:**

A. **Construction:** A number of options are available for managing shoreline erosion and one size does not fit all. Some of the considerations include: the severity of the existing shoreline erosion, access to the lake, the slope / depth of the existing shoreline/bottom, sun exposure /orientation, aesthetics and budget.

1. Vegetated shorelines can provide erosion protection while allowing the natural shoreline ecosystem to flourish. There are effective alternatives to shoreline hardening with rocks and rip rap. Vegetative and bioengineering solutions (biologs) stabilize the shoreline, provide aquatic wildlife habitat, and create beautiful landscapes of varied textures, colors, and flowers. Vegetated shorelines also filter lawn runoff and uptake nutrients prior to the runoff entering the lakes. This nutrient uptake will help to reduce algal growth.
2. Shoreline hardening practices such as bulkheading have several drawbacks. The structure may only absorb 20 percent of the wave’s energy, which means the majority of the energy is forced back out toward the lake and bottom, thus creating scour at the bottom of the structure, or creating accelerated erosion across from or adjacent to the structure.
3. Riprap (rocks/stone), under most circumstances, adequately stabilizes shorelines and does not share all the negative characteristics of bulkheading, however, it does not provide optimal wildlife and water quality benefits as vegetated shorelines. It is important to always install filter fabric under riprap to prevent soil from washing out from underneath the rocks. Class 1 or Class A1 rip-rap is recommended.

B. MPOA’s primary interest is protecting and improving the long-term health and usefulness of the lake. Extensive vegetated shoreline buffers are essential to maintaining good aquatic habitat and fisheries. Because of the benefits to the lakes’ ecology, MPOA places a strong emphasis on the use of vegetative or bioengineering stabilization techniques and encourages the use of these techniques when possible. Riprap will continue to be the preferred application in situations where “softer” solutions are not adequate. However, it is recommended that riprap should be used in combination with vegetation to improve the aesthetic appearance and habitat



value. The use of bulkheads is discouraged and will typically be allowed in extreme situations where no other method will adequately stabilize the shoreline, or in short sections to accommodate high usage or access areas.

- C. **Inspections:** The General Manager shall ensure that inspections of seawalls / bulkheads are conducted annually. Deficient structures and those in need of repair shall be reported to the Covenants Department and the property owner. The property owner has 30 days to submit a plan of corrective action to the Covenants Department. The Covenants Department, upon receipt of the deficiency report, will enter the case in its roster of cases pending resolution.
- D. **Replacement:** When shoreline stabilization materials need replacement, the property owner must submit a PIR, outlining replacement plans, for approval of the design, materials, and construction.
- E. **Information to be included with PIR:**
  - 1. Prince William County Building Permit (bulkheads only);
  - 2. Site plan, with 189-foot contour denoted;
  - 3. Detailed drawings of the structure, to include dimensions and a stamp of approval from a Virginia-licensed, professional engineer (bulkheads only);
  - 4. Description of materials to be used; Intended use; and
  - 5. Estimated starting and completion dates

#### **5.4.38 Security Cameras**

**Pre-Approved:** Cameras meeting the following requirements:

- A. No more than 8 cameras may be installed per lot.
- B. The camera portion of flood lights, doorbells, and other fixtures must not be larger than six (6) inches in any dimension.
- C. Cameras should only monitor the lot on which they are installed.

**Quick Track:** None

**Requirements and Restrictions:**

- A. Cameras not meeting the pre-approved criteria can be requested with a PIR.

#### **5.4.39 Sheds**

**Pre-Approved:** None

**Quick Track:** None

**Requirements and Restrictions:**

- A. A shed is defined as a free-standing framed structure with a continuous solid or fully grouted masonry or concrete foundation. Plastic, metal, and composite sheds will be considered on a case by case basis and must meet the foundation requirements as noted above. All other structures will be considered outdoor storage containers. (See Community Guideline 5.4.28 – Outdoor Storage Containers)
- B. Exterior finish and roofing colors should be compatible with the main dwelling.

- C. Any structure that is attached to a townhome, cluster home, or single-family home will be considered an addition and reviewed under those guidelines. (See Community Guidelines 5.4.27)
- D. Only ONE shed is allowed per lot.
- E. Sheds will NOT have plumbing but may have electricity only with proper permits and inspections from the County.
- F. Sheds will NOT be used for dwelling purposes, only for storage.
- G. Sheds may require screening or landscaping to minimize the effect on surrounding properties.
- H. Resource Protection Area (RPA) provisions apply to sheds. (See section 5.2)
- I. Location and Size Requirements:
  - 1. Single Family Homes
    - a. Must comply with all county zoning requirements for sheds.
    - b. Located in the rear yard a minimum of 5' from both the side and rear property lines.
    - c. Located a minimum of 8' from the primary dwelling (includes decks, patios, concrete pads, and HVAC units).
    - d. The maximum shed size is 120 square feet (e.g. 10' X 12') and shall not be more than 11 feet high at the peak of the roof.
  - 2. Townhomes (See appendix 'D' for examples)
    - a. Must comply with all county zoning requirements for sheds.
    - b. Located in the rear yard and can be placed up against the fence on the side or rear property line.
    - c. The maximum shed size is 60 square feet (e.g. 5' X 12') and shall not be more than 6 feet high at the peak of the roof

#### **5.4.40 Shutters**

##### **Pre-Approved:**

- A. A PIR is not required to replace the shutters in the existing style, and color.

##### **Quick Track:** None

##### **Requirements and Restrictions:**

- A. No specific requirements, but see Section 5.4.D for a list of criteria that are considered with all PIR's.

**Nob Hill Forest Townhome Association:** Shutters must be maintained in good repair; and may not be permanently removed from the townhome.

**Southlake Cove Townhome Association:** Shutters pre-existing on townhomes must be maintained in good repair; and may not be permanently removed from the townhome.

**Southlake Landing:** Shutters must be maintained in good repair; and may not be permanently removed from the townhome.

#### 5.4.41 Siding

**Pre-Approved:**

A. A PIR is not required for modern material replacement siding in the existing style, and similar color.

**Quick Track:** None

**Requirements and Restrictions:**

A. No specific requirements, but see Section 5.4.D for a list of criteria that are considered with all PIR's.

**Island Cluster Homes:** Cedar siding- only cedar siding or comparable hardwood siding will be used to replace damaged siding. An alternate approved replacement material is concrete board siding (Hardie Plank Lap Siding) and must match the existing exposed lap width and paint color. Use of concrete board siding will be limited to replacement of entire wall segments and MUST be approved by the IHA board with samples for matching purposes.

**Nob Hill Forest Townhome Association:** Exterior siding, exterior doors and shutters may not deviate from the original colors. Siding replacement must be in the original lap-style siding and match as closely in color as possible. Change in siding material requires approval of the Sub association.

**Southlake Cove Townhome Association:** All changes to exterior siding, exterior doors and windows in Southlake Landing and Southlake Cove Townhomes Association which differ from the original siding, doors and windows with mullions or grids, require advance PIR approval of the MPOA and Townhome Association.

**Southlake Landing:** Change in siding materials or style requires approval of the Sub association.

**Water's Edge Townhome Association:** Painting of vinyl siding is permitted if kept to existing color and paint used must be specifically formulated for vinyl siding.

#### 5.4.42 Signs

**Pre-Approved:**

A. Home security signs not exceeding 12 inches by 12 inches may be placed near the front door. Only one is permitted per property.

B. Real Estate/Rent signs that meet county specifications and are placed only on the property for sale or rent. The sign shall be promptly removed when the property is

sold, and settlement of the sale occurs, or the property is rented. These signs must not be placed to hinder the sight of pedestrians or vehicular traffic.

- C. “For Sale/Rent by Owner” signs must be the same quality as and may not exceed the size of real estate signs and be removed once the property is sold or rented.
- D. Signs the display of which is required by county ordinance incident to construction, reconstruction or other permitted use of any property within Montclair is permitted for the period required by ordinance. Such signs shall be removed at the end of the required period of display.
- E. “Open House” signs are permitted on the day of the open house. They may be placed in common areas within the Montclair community. Balloons and flags may be used if they do not obstruct vehicular sight lines and are securely fastened. Open House signs shall be removed at the end of the day on which the open house is held.
- F. Yard/garage sale signs are permitted for Montclair residents only. They may be posted on the day of the sale. Yard/garage sale signs may not be nailed, glued, or stapled to the road, street, or directional signs in Montclair. All signs shall be removed at the end of the day of the yard/garage sale.
- G. Special occasion signs such as “Happy Birthday” or “Welcome Home” are permitted on any lot or dwelling unit but not on the common areas and must be removed in 24 hours of erection. No more than one such sign is permitted at any one time on any property.

**Quick Track:** None

**Requirements and Restrictions:**

- A. Political campaign signs are not permitted.
- B. Signs with any type of advertisement other than those listed above are not permitted.
- C. The MPOA is not responsible for vandalism to or the upkeep of any approved sign. If a sign falls into disrepair, the MPOA has the authority to ask for its removal or, if located on common property, remove the sign.
- D. Signs for Community Service Organizations – Community service organizations, which meet the following criteria, may submit a request to display logo signs adjacent to the MPOA bulletin boards:
  - 1. Must be a registered non-profit community service organization in the Montclair community; and
  - 2. A majority of the membership must be comprised of Montclair residents.
  - 3. The following guidelines apply to community service organization signs:
    - a. The framework or support for the sign must match the MPOA bulletin board;
    - b. The logo must be the standard logo for the organization, and its installation must be reviewed by the Covenants Committee; all signs placed on common areas must be approved by the Board of Directors.

- c. The installation and upkeep of the sign are the sole responsibility of the organization, subject to modification on the instructions of the General Manager; and
- d. No information other than the organization name and logo may be displayed.
- E. Any Non-Profit Organization wanting to advertise a specific event, for a maximum of 2 weeks, in a calendar year, must submit a PIR. If multiple properties are involved, one PIR per property must be submitted. Provide a copy of the 501c3 as part of the PIR.

**5.4.43 Solar Panels/Collectors**

**Pre-Approved:** None

**Quick Track:**

- A. Solar panels may be installed as per manufacturer design. County permits must be included with the PIR submission.

**Requirements and Restrictions:** None

- A. No specific requirements, but see Section 5.4.D for a list of criteria that are considered with all PIR's.

**5.4.44 Swimming Pools**

**Pre-Approved:** None

**Quick Track:** None

**Requirements and Restrictions:**

- A. Above ground swimming pools are not permitted.
- B. Swimming pools must be located in the rear yard.
- C. Swimming pools must be enclosed per county guidelines.
- D. Swimming pool fencing must meet MPOA fencing criteria, as outlined in Community Guidelines 5.4.13 - Fences for Single Family Homes.
- E. Swimming pool water must not be dumped into Lake Montclair, storm water drains, common areas, and adjacent lots.

**5.4.45 Trash Storage Containers**

**Pre-Approved:** None

**Quick Track:** None

**Requirements and Restrictions:**

- A. Trash and recycling containers must be stored out of public view from streets.
- B. Trash and recycling containers may not be stored in the front of any dwelling or on a front porch except for homes within a sub-association that specifically permit it in their published guidelines. Sub-association guidelines must also specify screening of trash

and recycling containers if they allow homeowners to store them in the front or side of the home.

- C. Trash in other than covered containers may not be stored outdoors.
- D. Trash and recycling containers, trash bags, and yard waste shall not be placed at curbside before dusk on the day prior to pick-up and must be removed the following day.
- E. Privacy screens that completely hide the trash and recycle containers may be used and placed on the side or rear part of the home.

**Nob Hill Forest Townhome Association:** White vinyl fencing or lattice, no larger than 36" W x 48" H, may be used to conceal ONE 64 or 96 gallon trash container located along the foundation in the front or side yard of the house. All trash containers stored in the front or on the side of the house shall be concealed by a fence or lattice screen when not placed at the curb for collection. Lattice screens no larger than 36" x 48" require green colored faux foliage secured to the lattice. The artificial covering must be kept in good repair. White is the only acceptable color for a fence or lattice. All other screens, fencing or lattice require approval by the Nob Hill Board of Directors. Trash containers cannot be stored on stoops (small porches). Houses with a porch across the length of the house may store one trash container on the porch at the farthest corner from the front door. Screening with lattice is required at the corner of the porch where the container is stored. No trash container shall be visible from the sidewalk or road. Foundation shrubs, or landscaping may be removed to allow for placement of the fence or lattice enclosure for the trash container. Recycling bins and rolling recycling containers cannot be stored in the front or on the side of the house or on any porch. Trash and recycling containers, bins, trash bags, and yard waste shall not be placed at curbside before 6:00 pm on the day prior to pick-up and must be removed prior to the following day.

**Southlake Cove Townhome Association:** Exterior trash must always be stored within covered containers in the rear of the townhome. Trash containers must not be stored inside yards or front yards. Trash in confined containers, recycling containers and yard waste shall not be placed at curbside before 4 p.m. on the day prior to trash pick-up and must be removed before 11:59 p.m. the same day as trash pick-up. Containers may not be stored on front porches.

**Southlake Landing:** Exterior trash must always be stored within covered containers in the rear of the townhome. Trash containers must not be stored inside yards or front yards. Trash in confined containers, recycling containers and yard waste shall not be placed at curbside before dusk on the day prior to pick-up and must be removed prior to the following day. Containers may not be stored on front porches.

**Water's Edge Townhome Association:** Trash must always be stored within covered containers in the rear of the townhome. For end-unit townhomes, trash containers must be screened from front and side view. Trash in covered containers, recycling containers and yard waste shall not be placed at curbside before dusk on the day prior to pick-up and must be removed prior to the following day.

#### **5.4.46 Tree Removal**

##### **Pre-Approved:**

- A. Removal of trees with a diameter (caliper) less than six inches, measured six inches above the ground except for any live vegetation within 100 feet of Lake Montclair (reference Section 5.4.8, regarding RPA requirements).

##### **Quick Track:**

- A. In emergencies, the Covenants Director can grant approval for tree removal, provided that he/she inspects the tree to be removed and deems it an imminent threat to life or property.

##### **Requirements and Restrictions:**

- A. The Covenants Committee must grant approval PRIOR to removal of any tree greater than six inches in diameter (caliper).
- B. No live vegetation marked “no-cut” areas on the original plans may be cut without PRIOR approval from the Covenants Committee.
- C. The Covenants Committee shall allow the removal of a tree that is obviously dead or diseased beyond recovery.
- D. A comprehensive report on the tree’s condition, health, safety, and/or value by a certified arborist prior to approving or denying a removal request may be required.
- E. Pruning may be recommended in lieu of removal.
- F. Removal of tree stumps in the front yard is required. Removal of tree stumps in the side yard of a corner lot is required.
- G. Replacement of trees removed may be required.
- H. The BOD may require removal of a tree.
- I. A copy of the appropriate County Permit or written authorization must be submitted to the MPOA for any tree removal within the RPA buffer zone.

**Island Homes:** No tree removal in the RPA without a PIR and permission from the Prince William County RPA management office. Line of sight tree trimming must also be approved by the Prince William County RPA management office.

**Nob Hill Forest Townhome Association:** Lot owners are responsible for the removal and/or replacement of dead trees on their property. Replacement is limited to only one smaller-caliber tree in front yard, i.e. Crape Myrtle or Japanese Maple tree.

**Southlake Cove Townhome Association:** Lot owners are responsible for the removal and replacement of dead trees on their property. Replacement is limited to only one smaller-caliber tree in front yard, i.e. Crape Myrtle or Japanese Maple tree, for example.

**Southlake Landing:** Lot owners are responsible for the removal and replacement of dead trees on their property. Replacement is limited to only one smaller-caliber tree in front yard, i.e. Crape Myrtle or Japanese Maple tree.

**Water's Edge Townhome Association:** Replacement of trees is required for any trees removed within Water's Edge Townhome Association. Replacements must either be of the same species or a Virginia native tree. Limited exceptions to this rule may be considered by the Water's Edge Townhome Association Board of Directors based upon extenuating circumstances, e.g. limited light and survival potential, likely damage to utilities or property, or unavoidable encroachment on neighboring yards. The tree replacement approval is to be completed by the WETA Covenants Committee or the WETA Board of Directors. Suggested replacements include: Eastern Redbud, Flowering Dogwood, Southern Hawthorn, Alleghany Serviceberry, American Hornbeam, and Sweet Bay Magnolia. Not recommended replacements include: Leyland Cypress, Silver Maple, Ash, Quaking Aspen, Poplar, Willow, Bradford Pears, Mulberry, Black Walnut.

#### **5.4.47 Trellises, Arbors and Pergolas**

**Pre-Approved:** None

**Quick Track:** None

**Requirements and Restrictions:**

- A. Free-standing trellises shall not be placed on common property.
- B. Free-standing trellises and arbors must be placed in the side and/or rear yard and may not extend beyond the front of any home. They may be integral to a fence, and if so, must match the fence in material and color.

**Nob Hill Forest Townhome Association:** Trellises, Arbors and Pergolas are not allowed in front yards. Lattice no larger than 36" W x 48" H may be used to conceal one trash container.

**Southlake Cove Townhome Association:** Trellises, Arbors and Pergolas are not allowed in front yards.

**Southlake Landing:** Trellises, Arbors and Pergolas are not allowed in front yards.

**Water's Edge Townhome Association:** Trellises, arbors, and pergolas are not allowed in front or side yards.

#### **5.4.48 Walkways and Paths (to include Stairs and Steps)**

**Pre-Approved:** None

**Quick Track:** None

**Requirements and Restrictions:**

- A. Walkways and paths must be set back at least five feet from the property line and be installed flush to the ground.
- B. Walkways and paths on sloping ground with steps not exceeding 6 inches will be considered to be flush with the ground.



- C. Permeable walkways and paths within five feet from the property line will be considered on a case by case basis, must be installed flush to the ground, and will include County approval.

**Water’s Edge Townhome Association:** Walkways and paths constructed of pavers and brick approved for rear yards only and must be ground level – pre-approved. Walkways and paths in the front or side yard requires a PIR. No walkways or paths shall be constructed or permitted on common grounds.

#### **5.4.49 Windows & Window Coverings**

**Pre-Approved:**

- A. Modern material replacement windows in the existing style, similar color, grid pattern and location.
- B. Conventional window coverings (shades, blinds, shutters, curtains or draperies).

**Quick Track:** None

**Requirements and Restrictions:**

- A. All windows on each side of the home must be uniform, excluding picture windows, unless that side is not visible from the street. (Example – You can have grilles on the windows on your front, but can have windows without grilles on the rear or any side.) It also allows for different style windows and grilles on the same side of the house, if it is not visible from the street. (Example - If the rear elevation is not visible from the street, it can have a mix of windows with grilles and windows without grilles. You could even have a mix of window styles.)
- B. All window coverings must be conventional shades, blinds, shutters, curtains or draperies.

**Nob Hill Forest Townhome Association:** All replacement windows must have grids. All changes to window styles which differ from the original windows, with mullions or grids, require advance approval of the Nob Hill Board of Directors.

**Southlake Cove Townhome Association:** All changes to windows in Southlake Landing and Southlake Cove Townhomes Association which differ from the original windows with mullions or grids, require advance PIR approval of the MPOA and Townhome Association. All replacement windows on front or side of home must have grids. All changes to window styles which differ from the original windows, with mullions or grids, require advance approval of the Sub-association.

**Southlake Landing:** All replacement windows must have grids. All changes to window styles which differ from the original windows, with mullions or grids, require advance approval of the Sub association.

**Water’s Edge Townhome Association:** Replacement windows in the existing style, color, grid pattern and location are permitted. All changes to windows which differ from the

original windows with mullions or grids, require advance PIR approval of the MPOA and Townhome Association.

## **5.5 Vehicle Parking Regulations**

### **5.5.1 Definitions**

- A. **Authorized Vehicle:** Any motorized vehicle designated primarily for personal, private transportation of passenger(s), including mopeds and motorcycles. Golf Carts/Golf Cars are authorized vehicles for the purposes of parking and limited operation within Montclair, which is a golf and recreation community, as long as such operation is in accordance with County and Virginia Department of Transportation (VDOT) regulations.
- B. **Truck:** Any motorized vehicle which has a gross vehicle weight in excess of 8500 pounds or a cargo bed in excess of 34.5 square feet. Additionally, any vehicle that uses wood, metal or other materials to extend the height of the sides to increase cargo capacity. This includes RVs, camper trailers, or any kind of vehicle that has been modified to contain sleeping/living quarters. (For point of reference, gross vehicle weight of a typical pick-up truck or extended-cab pick-up or SUV is between 4000-8000 lbs.).
- C. **Commercial vehicle:** Any vehicle with three or more axles, has a gross vehicle weight rating of 12,000 or more pounds, or is designed to transport 16 or more passengers including the driver. Any vehicle of any size that is being used in the transportation of hazardous materials as defined in Code of Virginia, § 46.2-341.4. Additionally, any utility vehicle (cargo van, truck as defined in 5.5.1.b above, trailer) with business/commercial branding.
- D. **Trailer:** Non-motorized devices designed to carry objects when pulled by a motorized vehicle. This includes but is not limited to utility or flat-bed trailers, boat/jet ski trailers, mobile homes and pop-up trailers

### **5.5.2 Restrictions**

- A. Vehicle parking regulations apply to Montclair-owned streets, including parking lots of MPOA Common areas and facilities, private residence driveways, and all Sub-Association parking lots. A list of Montclair-owned streets can be obtained from MPOA.
- B. Parking is not permitted in the parking lot of the MPOA building/Kids Dominion for purposes other than visiting those facilities, and then only for the duration of that visit.
- C. No vehicle shall be parked in such a manner as to obstruct other parking spaces, mailboxes, emergency vehicle access, access to/from a driveway or golf cart path, or in any way block other vehicles from entering/exiting the area. No vehicle is authorized to park on any lawn or grassy area, patio, sidewalk or walkway, whether on a private residence or on MPOA common area.
- D. No truck, commercial vehicle or trailer shall be parked on any common area, private street, homeowner lot, common area or sub-association parking lot except while performing a service at that location. Motor homes/RVs/Campers and boat trailers owned by a Montclair resident may be parked in a private driveway for up to 72 hours and no more than twice per month, to load, unload or service. Nothing herein shall

- restrict the Montclair Country Club from parking vehicles on country club property, nor apply to parking areas of commercial shopping centers nor private/public school parking lots.
- E. Vehicles under construction, reconstruction, repair, or placed on jacks/jack stands or other support will not be permitted to be kept in public view on any property or street within Montclair.
  - F. No vehicle shall be parked with visible equipment (ladders, machinery, tools, supplies) or trash. Vehicles with permanent or temporary racks shall have all equipment and materials removed and stored out of public view while parked overnight. Trailers/dumpsters can be parked for a limited period of time in a driveway, parking space or at the curb in front of the house to facilitate major remodeling projects. Refer to section 5.4.28 Outdoor Storage Containers for additional guidance.
  - G. No vehicle shall be parked in an assigned townhome or sub-association parking space without the express permission of the owner or resident to whom the space is assigned. No vehicle registered to, owned or operated by a resident of a townhome shall be parked in any space designated for visitors in that same townhome community. Other parking restrictions may apply for each individual sub-association. Homeowners who reside in a sub-association must comply with MPOA parking regulations as well as any additional regulations imposed by the sub-association. Failure to do so may result in your vehicle being towed in accordance with County Code and/or sub-association parking rules. Contact the Sub-Association Property Manager or Board of Directors for Parking Regulations.

### **5.5.3 Enforcement**

- A. Residents and lot owners in violation of this regulation may be subject to any action by the BOD permitted by MPOA rule or regulations, including the assessment of charges for each violation of this regulation. Residents and lot owners are responsible for their guests and tenants, and may be found in violation of these rules for the actions of their guests or tenants.
- B. Any vehicle parked in violation of these rules and regulations shall be subject to towing, without notice, at the risk and expense of the vehicle's owner.

## **5.6 Home Businesses**

**5.6.1 General:** MPOA recognizes the right of every member to earn a living and is supportive of homeowners who wish to establish a home-based business. For purposes of this policy a Home Business is defined as: Any commercial and/or for-profit activity conducted entirely within a dwelling unit as an accessory use to the principal bona fide residential use.

**5.6.2 Home Business Application Process:** When a homeowner wishes to establish a home-based business, the homeowner must complete the Application for a Home Business (available online or at the MPOA Office). Only property owners may submit an application for a Home Business. Should a tenant desire to have a home business, the homeowner must submit the application on behalf of the tenant. Application for a home-based business is not necessary for homeowners who are simply working from home and

do not have regular client/staff traffic, excessive deliveries, or do not require storage of material or equipment that would be in violation of association covenants or deemed to disrupt neighbors from enjoying their own properties.

**5.6.3 Obtaining neighbor acknowledgement:** Operating a home business can impact immediate neighbors as well as the entire community. For that reason, an important element of the Home Business Application process is to obtain neighbor acknowledgement of the planned business. The applicant property owner must make every attempt to contact adjacent property owners (next door, immediately across from and, if applicable, immediately behind the dwelling), and advise them of the intended business and obtain their acknowledgement signature on the space provided on the application form. These signatures only indicate an awareness of the proposed business and do not indicate approval or disapproval. If a homeowner refuses to sign the application, the applicant should make a note of that fact on the line provided for the homeowner's signature. Refusal to sign does not equal disapproval of the improvement. Separate procedures described below are to be followed by any neighbor that objects to an exterior improvement by their neighbor. Should an applicant be unable to obtain an adjacent property owner's signature because the neighbor is unavailable for an extended period of time (fourteen days), the applicant may dispense with the signature of that neighbor and note the neighbor's absence on the application form. In the event an adjacent property owner refuses to sign or is absent, the Covenants Director will provide written notification of the request, which shall include a copy of the application, to that property owner.

**5.6.4 Home Business Application Review Process:** The MPOA shall route the application and any comments from neighbors to the Business Review Board (BRB), a committee of the MPOA BOD.

- A. If the home is located within a Sub-association, MPOA staff will route the application through the Sub-association for approval. In the event the Sub-association disapproves the business application, the homeowner will be notified and the application will not be forwarded to the BRB.
- B. The BRB application review will take into account the impact of the requested business on the neighbors, as well as existing zoning regulations of Prince William County. The BRB will render its decision in the case and MPOA shall notify the applicant, as well as any Interested Owners as defined below, by mail within ten days after the decision is made. Upon receipt of notification of an approval, the applicant will then be required to obtain the necessary permits/licenses and fully comply with all County ordinances and regulations. Failure to do so will be grounds for revocation of MPOA approval. If the BRB denies approval, the business will not be authorized to operate unless the business is thereafter approved by the full BOD after a timely appeal.

**5.6.5 BRB Appeal Process:** Any decision of the BRB is subject to appeal to the full BOD. All lot owners who file an application and any lot owner who has expressed to the BRB an objection to an application are hereafter referred to as "Interested Owners." Only Interested Owners may appeal and they become known as the "Appellant." The following process is provided as a guideline for the General Manager, and the BRB members appointed in

accordance with the rules and regulations adopted by the BOD pursuant to Article 6 of the Amended Declaration.

- A. All appeals from the BRB to the BOD must be in writing, and be received by the MPOA within ten days of the postmarked date of notification to the applicant and Interested Owners of the BRB decision. If the appeal is not received within the specified time frame, the decision of the BRB is final.
- B. Any timely appeal of a BRB decision shall be forwarded to the BOD by the Covenants Director by placing it on the agenda of the next regular BOD meeting, provided the Board members receive the applicable documents a minimum of three days prior to that meeting. The General Manager shall notify the appellant and other Interested Owners involved in the appeal of the date, time, and location of the BOD meeting at which the appeal will be considered, and of their right to be heard.
- C. The Covenants Director shall ensure the appellant and Interested Owners involved in the appeal are notified of the decision of the BOD within five working days of the date of the decision. All decisions of the BOD are final.

**5.7 Covenants Enforcement:** The covenants of the Amended Declaration require the Association to ensure compliance of all lots with the architectural standards, covenants, and restrictions.

**5.7.1 Violation notification and Due Process:** The BOD has adopted the following procedures to ensure due process for all members. Note that in all cases, the notice will be mailed to the home address OR to the primary contact address on file with MPOA (this could be an alternate address of the homeowner or a proxy property manager). If an email address is on file, the homeowner will also receive a courtesy notice that a violation notice has been sent in the mail. It is imperative that homeowners provide MPOA with their most current contact information. Failure to do so will not prevent MPOA from taking actions as described below in response to covenants violations.

- A. Upon receipt and verification of an issue of non-compliance, the Covenants Director will send a notice of noncompliance letter (First Notice) allowing a reasonable amount of time (between 14 to 30 days depending on the nature of the violation and consideration for what will be required to remediate the violation) for the property owner to: (1) take corrective action voluntarily; or (2) advise the Covenants Director of the scheduled date when the homeowner will have the corrective action completed. For home businesses, non-compliance with the policies contained herein, deviation from the proposed outline of the home business/occupation, or valid complaints may result in the immediate revocation of MPOA permission to operate these activities. The Covenants Office will re-inspect the site in question and if the corrective action has been completed the case will be closed.
- B. If corrective action has not been taken, a second letter (Second Notice) will be sent to the alleged violator. This letter will advise the party that if corrective action is not taken within the next two weeks the matter may be processed through legal channels with reimbursement of legal fees to be paid by the violator. The Covenants Office will re-

inspect the site in question and if the corrective action has been completed the case will be closed.

- C. If corrective action has not been taken in response to the second notice, a third letter will be sent to the alleged violator by certified mail, return receipt requested. The notice will state that the homeowner will be automatically scheduled for a hearing at the next Board Meeting, so long as the BOD meeting is at least 14 days after the postmark on the notice. The notice will advise the homeowner of his or her right to be heard at this hearing, and to be represented by counsel before the Board of Directors at their own cost. The notice will also advise the homeowner of the date, time, and location of the hearing and will detail the possible sanctions that the Board will consider at the hearing. In the event of a scheduled hearing before the BOD, the General Manager will ensure that all pertinent information is sent to the Board members in the monthly board packet, to include the findings and recommendation of the Covenants Director.
- D. The alleged violator may, at any time, admit all or part of the allegations. The Board of Directors may then proceed to take whatever action, including the imposition of any sanctions, which it deems appropriate and which are authorized by the Association Documents.

**5.7.2 Hearings:** The homeowner is requested to submit written notice (email is acceptable) of their intent to attend the hearing in order to ensure the homeowner has adequate time to address the Board at the time of the hearing. The respondent may submit a written defense to the complaint in lieu of or in addition to appearing at the hearing, which shall be considered by the Board along with all other relevant evidence. Upon proof that the notice of hearing was properly mailed, the Board of Directors may proceed with the hearing in the absence of the respondent, and may make findings, issue a ruling, and impose sanctions. Failure to attend or submit written material will result in the loss of the homeowner's opportunity to be heard. At the hearing, the Board of Directors will decide whether to impose covenants violation charges against the homeowner and their lot, as specified in para 5.7.4. Assessment of Charges to Enforce Rules.

**5.7.2.1 Procedural Rules at the Hearing:** The hearing shall be conducted in closed session. The following procedures pertain to the hearing on the merits of the alleged violation(s):

- A. The President shall conduct the hearing and rule on all procedural issues
- B. The respondent and the Association may each be represented by an attorney licensed to practice in Virginia.
- C. The respondent and the Association may each call witnesses in his/her own behalf. The respondent may testify in his or her own behalf, and may be called as a witness by the Board of Directors. If the respondent refuses to testify upon the request of the Board, the hearing shall continue, and the Board may reach a decision on the merits based upon other available evidence
- D. The respondent and the Association may each present relevant information on his/her or its own behalf. The Board of Directors may assess any testimony based upon its reliability and trustworthiness, and attribute to it the weight the Board of Directors believes it deserves. Of note: The legal definition of rules of evidence does not apply in a hearing.

- E. The hearing shall proceed as follows, unless otherwise agreed upon by both parties:
  - 1. Opening statements-4 minutes.
  - 2. Introduction of evidence and presentation of witnesses by the Association.
  - 3. Introduction of evidence and presentation of witnesses by the respondent.
  - 4. Introduction of rebuttal evidence and testimony by the Association.
  - 5. Closing statements-5 minutes each side. The Association may open and rebut the Respondent's closing argument.
- F. At the conclusion of the hearing and BOD deliberation, the BOD shall vote in open session to (a) dismiss the complaint, (b) find a violation and impose sanctions and/or take other appropriate action, or (c) continue the hearing to receive additional evidence. The notice to the member, with the member's name and address redacted, is to be placed in the official minutes of the meeting at which the case is heard by the BOD.

#### **5.7.2.2 Postponing or re-opening a hearing:**

- A. Postponement. Any party may request a postponement of the hearing for good cause. The President of the Association, without need for consultation with the Board, shall grant or deny the continuance and inform all parties in writing.
- B. Re-opening. The respondent may appear at the Board of Directors meeting following the hearing at which sanctions were imposed to request that the hearings be reopened. The Board of Directors may reopen the hearing and receive evidence and hear arguments if the respondent gives the Board of Directors five days' notice of his or her intent to appear before the board to request that the hearing be reopened, and if good cause for reopening the hearing exists. Upon receipt of such notice, the Covenants Director shall notify all other interested parties. The hearing shall be re-opened by vote of the Board of Directors. At the hearing, the homeowner will have the opportunity to dispute the issue(s).

#### **5.7.3 Enforcement Procedures for Repeat Violations and Violations that Pose a Threat of Personal Injury or Imminent Property Damage:**

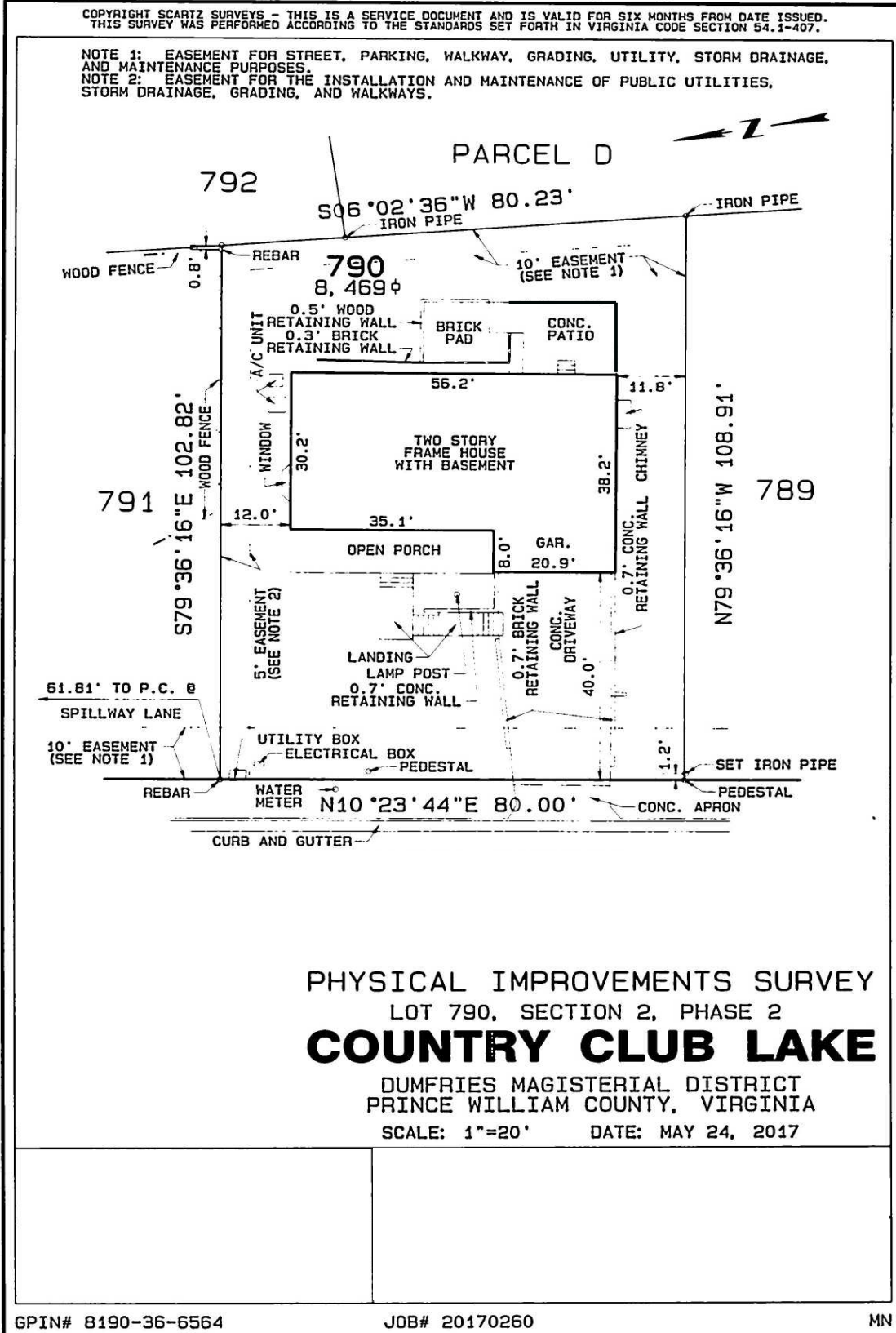
- A. Repeat Violations. In the event of a repeated non-compliance of the same nature within one year after the issuance of a notice of noncompliance, the First and Second Notice shall not be required, and a Notice of Opportunity for Hearing shall be sent to the responsible member at least five days prior to a hearing in the matter. In such an event, the procedures set forth in Sections 5.7.2. Hearings shall apply. If the BOD finds there to be a violation in an instance of such repeated noncompliance, the BOD may:
  - 1. Take immediate action, at the expense of the responsible member, to abate the violation in accordance with the provisions of Sections 5.2 (a) and 10.1 (e) of the Declaration, or
  - 2. Refer the violation to legal counsel for the institution of appropriate legal action without further communication to the responsible member. If a hearing on the prior non-compliance resulted in a monetary charge which was suspended pending future adherence to the covenants that charge shall be automatically imposed as an assessment against the lot by the General Manager.

- B. In any instances in which the Board determines that a reported non-compliance with the Association Documents constitutes a threat of personal injury to any person or an imminent threat of property, the BOD may:
1. Take immediate action, at the expense of the responsible member, to abate the violation in accordance with the provisions of Sections 5.2 (a) and 10.1 (e) of the Declaration; or
  2. Refer the violation to legal counsel for the institution of the appropriate legal action without further communication to the responsible member.

**5.7.4 Assessment of Charges to Enforce Rules:** The BOD may assess charges against any member for any violation of the Association Documents for which the member or his/her family members, tenants, guests, or other invitees are responsible, not to exceed \$50 for any single violation or \$10 per day for any violation of a continuing nature, which shall be treated as an assessment against the member's lot subject to collection pursuant to the Association Documents and according to law. The BOD may, at any time after an assessment of charges and for good cause shown, remit any portion or all of the charges to the member when requested by the member or recommended by legal counsel. The relief provided by assessment of charges shall be in addition to any other right of relief or remedy available to the Association, and the invocation of such assessment in any particular case shall not constitute an election of remedies.



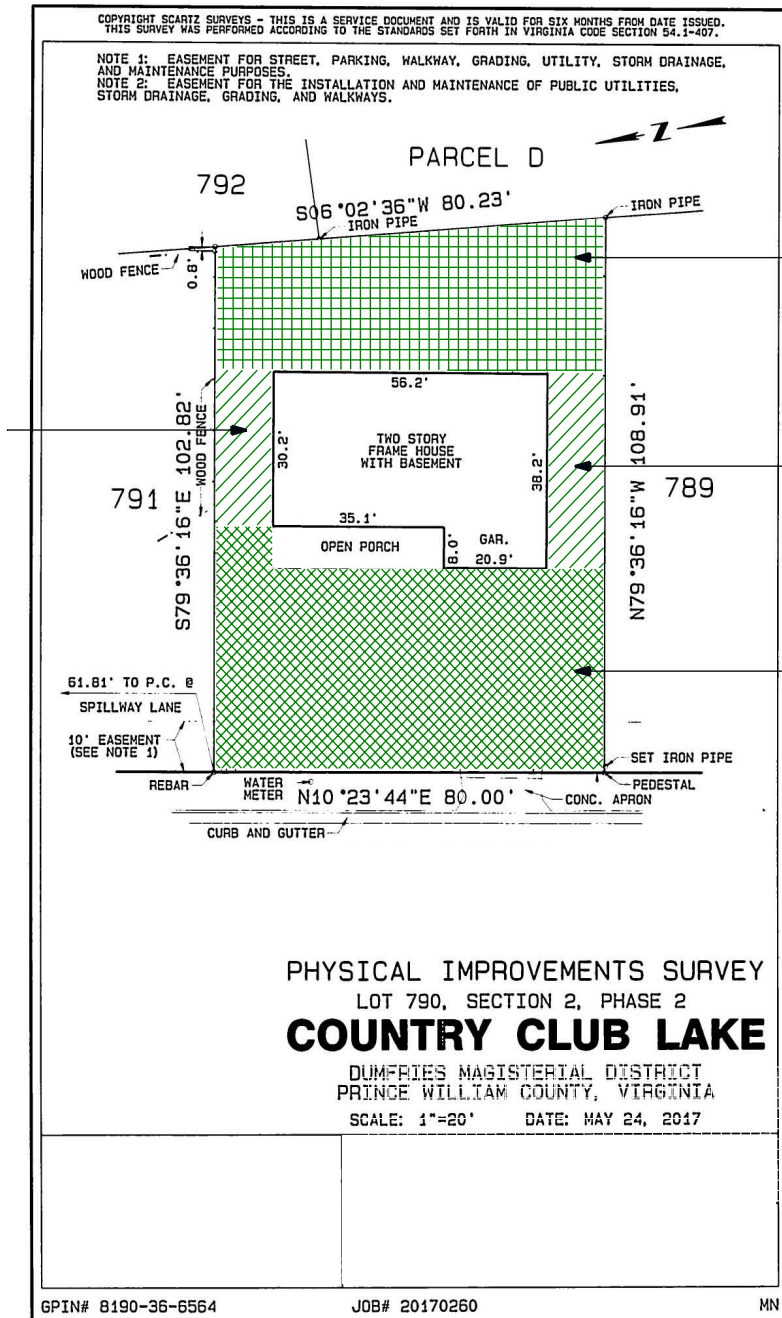
**APPENDIX 'A' – Sample Plat**



# APPENDIX 'B' – Yard Definition Diagram

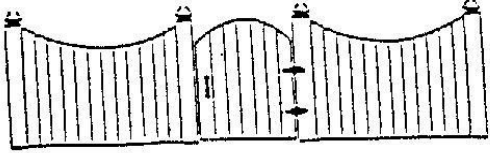
## Definitions

- Yard - Shall mean an open space on a lot other than an interior court, unoccupied and unobstructed from the ground upward.
- Front Yard - Shall mean an open space on the same lot as a principal building between the front line of the principal building and the front lot or street line, and extending across the full width of the lot.
- Rear Yard - Shall mean an open space on the same lot as a principal building between the rear line of the principal building and the rear line of the lot, and extending across the full width of the lot.
- Side Yard - Shall mean an open space on the same lot as a principal building between the side line of the principal building and the side line of the lot, and extending from the front yard line to the rear yard line.

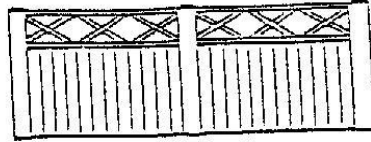


# APPENDIX 'C'

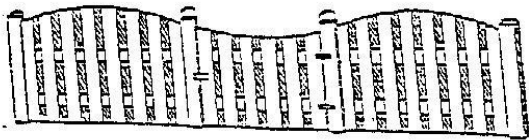
## Examples – Fences for Single Family Homes



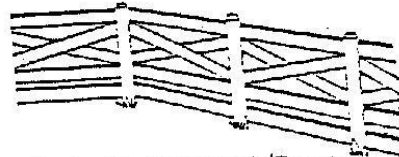
Style #1 Solid Board 4-6 ft tall 6' must have dip



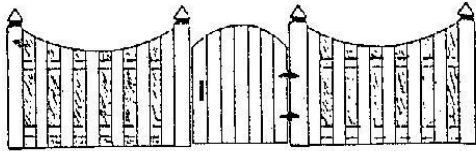
Style #2 Solid board with criss cross top



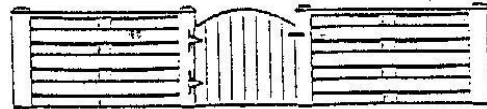
Style #3 Alternating board with rolling or scalloped top 4-6 ft tall



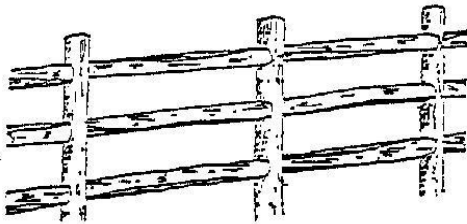
Style #4 Crossbuck/Estate 4 feet tall



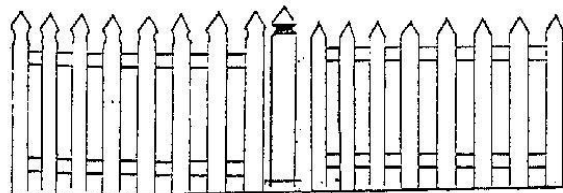
Style #5 Alternating Board w/symmetrical dip top 4-6 feet tall



Style # 6 basket weave 4' tall



Style #7, 2 or 3 rail split rail



Style #8 gothic picket

Style #9 standard picket

**APPENDIX 'D'**

**MONTCLAIR MAILBOX & SUPPORTS**

Rural Mailbox  
Front View



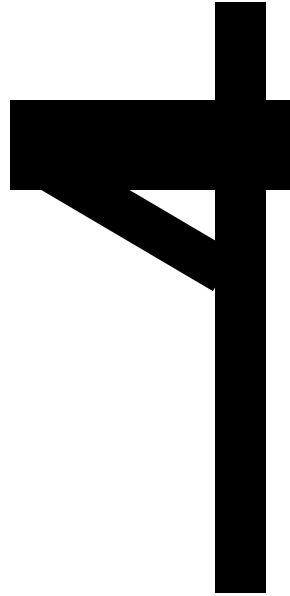
Rural Mailbox  
Side View



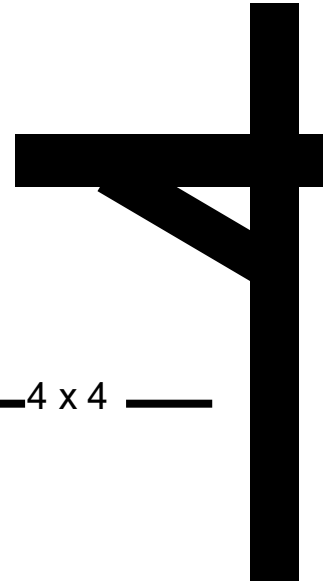
**Black Mailbox**

**Approved Size:**

**As determined by the US  
Postal Service requirements**



Post with  
Newspaper Box

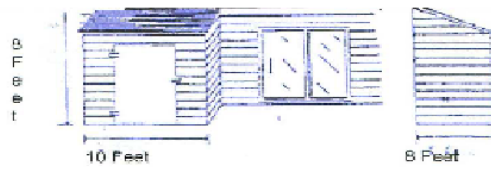


Regular Post

— 4 x 4 —

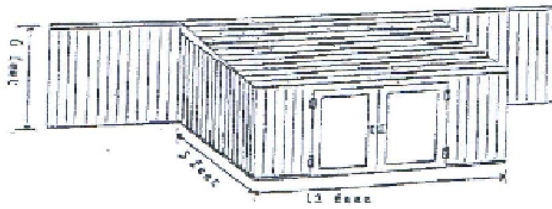
# APPENDIX 'E'

## Examples – Sheds for Townhomes/Cluster Homes

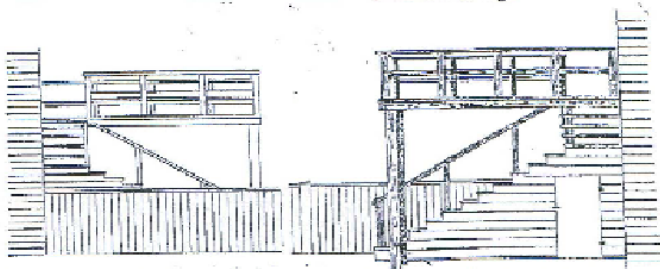


Attached to the Rear of the House

Integral with the Fence



Under stair Storage



**Montclair Property Owners Association**  
**Home Business or Occupation Application**



\_\_\_\_\_  
Name Date

\_\_\_\_\_  
Address Lot No.

\_\_\_\_\_  
Daytime Phone Check one:  Home  Cell  Work Email Address

**Home Business or Occupation Information**

Purpose and description of home business or occupation.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Requested Start Date

\_\_\_\_\_  
Type of Dwelling (Single family, townhouse, etc.) Hours of Operation

Number of Employees  
In-Home Residents: \_\_\_\_\_ Outside of Household: \_\_\_\_\_

What is the maximum number of clients at any one time? \_\_\_\_\_

Are business related materials to be stored on the property?  Yes  No  
If yes, please describe the nature of the materials, quantity, and storage location.  
\_\_\_\_\_  
\_\_\_\_\_

Will a truck or other vehicle be used?  Yes  No

Describe the parking requirements necessary to conduct the home business or occupation and how they will be met.  
\_\_\_\_\_  
\_\_\_\_\_

Describe the nature and frequency of deliveries required for the home business or occupation.

---

---

Is there a requirement for a special use permit?     Yes     No

Will the business phone number be listed in a telephone or other commercial directory?     Yes     No

In accordance with the MPOA Declaration, Covenants and Restrictions, referred to in the deed covering the property described herein, I/we hereby apply for approval of MPOA to conduct a home business or home occupation in or on part of a Lot or in an improvement upon the Property as described herein.

Nothing herein shall be construed as a waiver or modification of any of the restrictive covenants nor any of the provisions of State or Prince William County ordinances or regulations. A separate application must be made for each home business or occupation. I understand and agree that the home business or occupation will not be conducted until specific written approval of the MPOA is given. Approval is not transferable. I have read and agree to abide by the Home Business Policy guidelines, and I further understand that deviation from the guidelines or falsification of information submitted by me on the request form may result in revocation of permission to operate a business in Montclair.

---

Signature

---

Date

### Acknowledgement

This acknowledgement indicates an awareness of the intent and does not constitute nor indicate approval or disapproval. Contact the MPOA office within seven (7) days if you wish to comment on this application.

---

Name

---

Address

---

Name

---

Address

---

Name

---

Address

---

Name

---

Address

<b>For Office Use Only</b>
Check One: <input type="checkbox"/> Approved <input type="checkbox"/> Denied _____
Reason for Denial _____ Date _____
Signature, Business Review Board Chairperson _____



Montclair Property Owners Association  
**Property Improvement Request – PIR**  
 PIR Form: 05-20

Name: \_\_\_\_\_ Sub-association: \_\_\_\_\_

Street Address Only: \_\_\_\_\_

Daytime Phone: \_\_\_\_\_ Check One:  Cell  Home  Work

Email: \_\_\_\_\_

**Property Improvement Request (PIR)** - Property owners that desire to add to and/or alter the exterior appearance of their home or lot must complete a PIR form and submit the PIR and all necessary attachments to MPOA, covadmin@montclairva.com, or submit through FSR Connect Portal. The MPOA shall act upon all fully completed PIRs within 45 days of receipt. All PIRs are reviewed by the Covenant committee twice a month in a public forum. See the MPOA calendar on Montclairva.com for schedule and venue. You will receive a letter from the MPOA relating to the vote’s outcome and when the project can begin. Please Review Article 5 Guidelines.

**Description of the Project:**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Estimated Start Date: \_\_\_\_\_

Estimated Completion Date: \_\_\_\_\_

\_\_\_\_\_  
 Home Owner’s Signature

\_\_\_\_\_  
 Signature Date

*Signatures of your surrounding neighbors are required. **Signing does not imply consent nor approval of your neighbor’s project.** You are only stating you have been informed of the project(s).*

Neighbor’s Signature

Street Address Only

\_\_\_\_\_  
 Owner  Renter

\_\_\_\_\_  
 I would like a copy of PIR  Notify Me

\_\_\_\_\_  
 Owner  Renter

\_\_\_\_\_  
 I would like a copy of PIR  Notify Me

\_\_\_\_\_  
 Owner  Renter

\_\_\_\_\_  
 I would like a copy of PIR  Notify Me

\_\_\_\_\_  
 Owner  Renter

\_\_\_\_\_  
 I would like a copy of PIR  Notify Me





# Montclair Property Owners Association

## Annual Dock and Shoreline Improvement Permit

Staff Initials & Date Received

Annual Dock and Shoreline Improvement Permits are required for all docks on Lake Montclair and any shoreline improvements between the property boundary lines of lot eligible for a dock and Lake's water surface (*including, but not limited to: stairways, steps, walkways, landings, fences, boat racks, irrigation systems, etc.*), regardless of whether or not a dock exists. This permit constitutes a license agreement between MPOA and the homeowner and is intended to be temporary in nature. -MPOA may terminate or modify the license hereby granted at any time in the event of any violation of this permit or in the event the Board of Directors, in its sole discretion, determines it necessary or in the best interest of the Association to do so.

Dock and Shoreline Improvement Permits must be renewed annually between October 1<sup>st</sup> and 31<sup>st</sup> each year. All applicable improvements (e.g. a dock, a set of stairs, an irrigation system, etc.) must be listed on the renewal permit when submitted to MPOA.

The initial application and annual renewal fee is \$5. There will be a \$200 late fee assessed unless the owner provides proof by November 10<sup>th</sup> that general liability insurance coverage (see below) was in effect as of November 1<sup>st</sup> of that year.

**All dock and shoreline improvement owners are required to sign up for FSRConnect and provide a current phone number and e-mail address for emergency notifications regarding Lake Montclair.**

Owners of docks and shoreline improvements described herein are required to provide MPOA with proof of valid general liability insurance coverage of no less than one million dollars (\$1,000,000) and must list the MPOA as a certificate holder or as additional insured when available through the insurance carrier. Owners with insurance carriers providing the necessary coverage but unable to have MPOA listed as a certificate holder or additional insured will be required to provide MPOA a copy of a letter signed by the insurance provider addressed to the owner indicating that coverage is in place for a current annual period and that the insurance provider will provide MPOA with a notice of any change to or cancellation or renewal of the policy. Property owners will obtain all applicable county permits and will accept liability for any damages that may occur to sewer lines, other utilities, or other MPOA property. Dock and shoreline improvement owners are responsible for obtaining a survey of the property abutting the Common Area before submitting plans to the Covenants Committee for approval. Owners are solely responsible for the safety and structural integrity of docks and shoreline improvements covered by this permit.

<b>Type of Application (circle one):</b>	<b>Renewal</b>	<b>New</b>	<b>Dock Plaque # (or N/A)</b> _____
<b>NAME:</b> _____			
<b>ADDRESS:</b> _____		<b>E-MAIL (Required):</b> _____	
<b>PHONE (H):</b> _____		<b>(W):</b> _____	<b>(Cell):</b> _____
<b>SIZE OF DOCK AND/OR DESCRIPTION OF SHORELINE IMPROVEMENTS (List all):</b> _____			
<b>INSURANCE CARRIER:</b> _____			
<b>INSURANCE POLICY #:</b> _____		<b>DATE EFFECTIVE:</b> _____	
<b><u>*Incomplete Applications will be returned*</u></b>			

In consideration for MPOA's approval, the owner hereby waives, releases, acquits, and discharges the Association of and from any and all liability for any claim, cause of action or dispute arising out of or relating to the dock or shoreline improvements, including but not limited to personal and property damage, and the raising or lowering of the water level in Lake Montclair, and further agrees to indemnify and hold the Association harmless for all losses or damages, incurred by the Association in connection with any such claim, cause of action or dispute, whether brought or asserted by the owner or by any other individual or entity, including but not limited to attorney's fees and costs.

All use of the licensed area shall be in strict compliance with the covenants and restrictions set forth in the Association's Declaration and Bylaws and all Association Rules and Regulations, as the same may be amended from time to time.

Owner acknowledges and agrees that the Association may terminate or modify the license hereby granted at any time in the event of any violation of this Permit or in the event the Board of Directors, in its sole discretion, determines it necessary or in the best interest of the Association to do so. In the event of termination of this Permit, the owner shall promptly remove all docks and/or shoreline improvements and restore the area to its condition prior to the modifications contemplated by this Permit.

I attest that any and all electrical devices and equipment used/installed for the purpose of charging boat batteries, powering lights, irrigation systems or other items in, on or around shoreline improvements are in good working order, safe, and do not present a hazard to life or property.

\_\_\_\_\_  
**Print Name (Owner):**

\_\_\_\_\_  
**Signature (Owner):**

<b>For Office Use Only</b>	
_____ Office Approval	_____ Date Reviewed

**Table 1. Dock Eligible Lots - Street Address Listing**

<b><u>Barger Place</u></b>												
4596	4597											
<b><u>Beachview Drive</u></b>												
15434	15436	15438	15440	15442	15443	15444	15445	15446	15448			
<b><u>Brawner Drive</u></b>												
15905	15911											
<b><u>Breeze Way</u></b>												
4896	4897	4900	4905	4908	4909	4912	4913	4916	4917	4920	4921	4924
4925	4928	4936	4940									
<b><u>Butler Place</u></b>												
15789	15791	15793	15795	15797								
<b><u>Clearwater Court</u></b>												
4590	4591	4592	4593									
<b><u>Cove Lane</u></b>												
15971	15972	15973	15974	15975	15976	15978	15980					
<b><u>Devonald Place</u></b>												
15792	15794	15796										
<b><u>Dolphin Drive</u></b>												
15902	15904											
<b><u>Edgehill Drive</u></b>												
15342	15344	15346	15348	15350	15352	15354	15356					
<b><u>Fishermans Cove</u></b>												
4691	4693	4695	4697	4699	4701	4703	4707	4709				
<b><u>Golf Club Drive</u></b>												
15540	15550	15560	15570	15580	15590	15600	15610	15629	15640	15650		
<b><u>Keswick Court</u></b>												
4831*	4832	4833*	4834	4835	4836	4837	4838	4839	4840	4841	4842	4843
4844												
<b><u>Larchmont Court</u></b>												
4496	4497	4498	4499									
<b><u>Moncure Drive</u></b>												
15784	15785	15786	15787	15789	15791							
<b><u>Outlook Place</u></b>												
15557	15561	15562	15566	15567								
<b><u>Royal Crescent Court</u></b>												
15512	15514	15516	15518	15520	15522	15524	15526					
<b><u>Silvan Glen Drive</u></b>												
15430	15434	15438	15442	15444	15446	15450	15452	15454	15455	15456	15457	15458
15460	15534											
<b><u>Skiff Court</u></b>												
15589	15592											
<b><u>Skyline Drive</u></b>												
15433	15435	15436										
<b><u>Spalding Drive</u></b>												
4604	4606	4608	4610	4612								
<b><u>Timber Ridge Drive</u></b>												
4685	4691	4695	4699	4703	4706	4707	4711	4715	4719	4723	4727	4731
4732	4733	4734	4735	4736	4737	4738	4739	4740	4741	4742	4743	4744
4745	4746	4747	4748	4749	4750	4751	4752	4753	4754	4755	4756	4757
4758	4759	4760	4761	4762	4763							
<b><u>Yorktown Drive</u></b>												
15523	15525	15529	15531	15532	15533	15534	15535	15536				

**Table 2. Dock-Eligible Lots - Address and MPOA Dock Number**

Address	Dock Number	Address	Dock Number	Address	Dock Number
4596 Barger Place	No Dock	4699 Fishermans Cove	164	15460 Silvan Glen Drive	153
4597 Barger Place	177	4701 Fishermans Cove	13	15534 Silvan Glen Drive	No Dock
15434 Beachview Drive	20	4703 Fishermans Cove	38	15589 Skiff Court	224
15436 Beachview Drive	67	4707 Fishermans Cove	41	15592 Skiff Court	225
15438 Beachview Drive	92	4709 Fishermans Cove	192	15433 Skyline Drive	21
15440 Beachview Drive	129	15540 Golf Club Drive	No Dock	15435 Skyline Drive	No Dock
15442 Beachview Drive	206	15550 Golf Club Drive	210	15436 Skyline Drive	167
15443 Beachview Drive	133	15560 Golf Club Drive	73	4604 Spalding Drive	201
15444 Beachview Drive	120	15570 Golf Club Drive	173	4606 Spalding Drive	No Dock
15445 Beachview Drive	45	15580 Golf Club Drive	108	4608 Spalding Drive	175
15446 Beachview Drive	7	15590 Gold Club Drive	228	4610 Spalding Drive	202
15448 Beachview Drive	131	15600 Golf Club Drive	114	4612 Spalding Drive	216
15905 Brawner Drive	No Dock	15610 Golf Club Drive	1	4685 Timber Ridge Drive	47
15911 Brawner Drive	No Dock	15629 Golf Club Drive	158	4691 Timber Ridge Drive	148
4896 Breeze Way	174	15640 Golf Club Drive	137	4695 Timber Ridge Drive	106
4897 Breeze Way	140	15650 Golf Club Drive	166	4699 Timber Ridge Drive	102
4900 Breeze Way	170	4831 Keswick Court	19	4703 Timber Ridge Drive	111
4905 Breeze Way	186	4832 Keswick Court	130	4706 Timber Ridge Drive	No Dock
4908 Breeze Way	161	4833 Keswick Court	19	4707 Timber Ridge Drive	207
4909 Breeze Way	158	4834 Keswick Court	16	4711 Timber Ridge Drive	205
4912 Breeze Way	No Dock	4835 Keswick Court	184	4715 Timber Ridge Drive	26
4913 Breeze Way	221	4836 Keswick Court	No Dock	4719 Timber Ridge Drive	58
4916 Breeze Way	214	4837 Keswick Court	40	4723 Timber Ridge Drive	39
4917 Breeze Way	143	4838 Keswick Court	231	4727 Timber Ridge Drive	104
4920 Breeze Way	No Dock	4839 Keswick Court	27	4731 Timber Ridge Drive	193
4921 Breeze Way	144	4840 Keswick Court	215	4732 Timber Ridge Drive	211
4924 Breeze Way	181	4841 Keswick Court	24	4733 Timber Ridge Drive	46
4925 Breeze Way	146	4842 Keswick Court	204	4734 Timber Ridge Drive	211
4928 Breeze Way	138	4843 Keswick Court	99	4735 Timber Ridge Drive	142
4932 Breeze Way	220	4844 Keswick Court	136	4736 Timber Ridge Drive	57
4936 Breeze Way	227	4496 Larchmont Court	109	4737 Timber Ridge Drive	212
4940 Breeze Way	222	4497 Larchmont Court	15	4738 Timber Ridge Drive	50
15789 Butler Place	71	4498 Larchmont Court	No Dock	4739 Timber Ridge Drive	139
15791 Butler Place	187	4499 Larchmont Court	87	4740 Timber Ridge Drive	169
15793 Butler Place	22	15784 Moncure Drive	68	4741 Timber Ridge Drive	65
15795 Butler Place	159	15785 Moncure Drive	121	4742 Timber Ridge Drive	151
15797 Butler Place	35	15786 Moncure Drive	No Dock	4743 Timber Ridge Drive	124
4590 Clearwater Court	112	15787 Moncure Drive	119	4744 Timber Ridge Drive	183
4591 Clearwater Court	116	15789 Moncure Drive	213	4745 Timber Ridge Drive	141
4592 Clearwater Court	188	15791 Moncure Drive	81	4746 Timber Ridge Drive	125
4593 Clearwater Court	36	15557 Outlook Place	165	4747 Timber Ridge Drive	10
15971 Cove Lane	107	15561 Outlook Place	190	4748 Timber Ridge Drive	100
15972 Cove Lane	179	15562 Outlook Place	226	4749 Timber Ridge Drive	34
15973 Cove Lane	157	15566 Outlook Place	191	4750 Timber Ridge Drive	229
15974 Cove Lane	9	15567 Outlook Place	208	4751 Timber Ridge Drive	135
15975 Cove Lane	203	15512 Royal Crescent Court	127	4752 Timber Ridge Drive	11
15976 Cove Lane	No Dock	15514 Royal Crescent Court	85	4753 Timber Ridge Drive	75
15978 Cove Lane	No Dock	15516 Royal Crescent Court	185	4754 Timber Ridge Drive	No Dock

15980 Cove Lane	<b>No Dock</b>	15518 Royal Crescent Court	<b>185</b>	4755 Timber Ridge Drive	<b>154</b>
15792 Devonald Place	<b>91</b>	15520 Royal Crescent Court	<b>185</b>	4756 Timber Ridge Drive	<b>105</b>
15794 Devonald Place	<b>66</b>	15522 Royal Crescent Court	<b>128</b>	4757 Timber Ridge Drive	<b>117</b>
15796 Devonald Place	<b>8</b>	15524 Royal Crescent Court	<b>18</b>	4758 Timber Ridge Drive	<b>118</b>
15902 Dolphin Drive	<b>3</b>	15526 Royal Crescent Court	<b>32</b>	4759 Timber Ridge Drive	<b>30</b>
15904 Dolphin Drive	<b>198</b>	15430 Silvan Glen Drive	<b>No Dock</b>	4760 Timber Ridge Drive	<b>33</b>
15342 Edgehill Drive	<b>223</b>	15434 Silvan Glen Drive	<b>29</b>	4761 Timber Ridge Drive	<b>60</b>
15344 Edgehill Drive	<b>171</b>	15438 Silvan Glen Drive	<b>195</b>	4762 Timber Ridge Drive	<b>55</b>
15346 Edgehill Drive	<b>56</b>	15442 Silvan Glen Drive	<b>200</b>	4763 Timber Ridge Drive	<b>63</b>
15348 Edgehill Drive	<b>53</b>	15444 Silvan Glen Drive	<b>52</b>	15523 Yorktown Drive	<b>162</b>
15350 Edgehill Drive	<b>37</b>	15446 Silvan Glen Drive	<b>77</b>	15525 Yorktown Drive	<b>122</b>
15352 Edgehill Drive	<b>31</b>	15450 Silvan Glen Drive	<b>147</b>	15529 Yorktown Drive	<b>44</b>
15354 Edgehill Drive	<b>155</b>	15452 Silvan Glen Drive	<b>178</b>	15531 Yorktown Drive	<b>217</b>
15356 Edgehill Drive	<b>62</b>	15454 Silvan Glen Drive	<b>23</b>	15532 Yorktown Drive	<b>5</b>
4691 Fishermans Cove	<b>51</b>	15455 Silvan Glen Drive	<b>No Dock</b>	15533 Yorktown Drive	<b>49</b>
4693 Fishermans Cove	<b>182</b>	15456 Silvan Glen Drive	<b>54</b>	15534 Yorktown Drive	<b>149</b>
4695 Fishermans Cove	<b>199</b>	15457 Silvan Glen Drive	<b>194</b>	15535 Yorktown Drive	<b>14</b>
4697 Fishermans Cove	<b>89</b>	15458 Silvan Glen Drive	<b>No Dock</b>	15536 Yorktown Drive	<b>42</b>

**Table 3. Currently Approved Docks by MPOA Dock Number**

<b>Dock Number</b>	<b>Address</b>	<b>Dock Number</b>	<b>Address</b>	<b>Dock Number</b>	<b>Address</b>
0001	15610 Golf Club Drive	0087	4499 Larchmont Court	0175	4608 Spalding Drive
0003	15902 Dolphin Drive	0089	4697 Fishermans Cove	0177	4597 Barger Place
0005	15532 Yorktown Drive	0091	15792 Devonald Place	0178	15452 Silvan Glen Drive
0007	15446 Beachview Drive	0092	15438 Beachview Drive	0179	15972 Cove Lane
0008	15796 Devonald Place	0099	4843 Keswick Court	0181	4924 Breeze Way
0009	15974 Cove Lane	0100	4748 Timber Ridge Drive	0182	4693 Fishermans Cove
0010	4747 Timber Ridge Drive	0102	4699 Timber Ridge Drive	0183	4744 Timber Ridge Drive
0011	4752 Timber Ridge Drive	0104	4727 Timber Ridge Drive	0184	4835 Keswick Court
0013	4701 Fishermans Cove	0105	4756 Timber Ridge Drive	0185*	15516 Royal Crescent Court
0014	15535 Yorktown Drive	0106	4695 Timber Ridge Drive	0185*	15520 Royal Crescent Court
0015	4497 Larchmont Court	0107	15971 Cove Lane	0185*	15518 Royal Crescent Court
0016	4834 Keswick Court	0108	15580 Golf Club Drive	0186	4905 Breeze Way
0018	15524 Royal Crescent Court	0109	4496 Larchmont Court	0187	15791 Butler Place
0019	4831 Keswick Court	0111	4703 Timber Ridge Drive	0188	4592 Clearwater Court
0019	4833 Keswick Court	0112	4590 Clearwater Court	0190	15561 Outlook Place
0020	15434 Beachview Drive	0116	4591 Clearwater Court	0191	15566 Outlook Place
0021	15433 Skyline Drive	0117	4757 Timber Ridge Drive	0192	4709 Fishermans Cove
0022	15793 Butler Place	0118	4758 Timber Ridge Drive	0193	4731 Timber Ridge Drive
0023	15454 Silvan Glen Drive	0119	15787 Moncure Drive	0194	15457 Silvan Glen Drive
0024	4841 Keswick Court	0120	15444 Beachview Drive	0195	15438 Silvan Glen Drive
0026	4715 Timber Ridge Drive	0121	15785 Moncure Drive	0198	15904 Dolphin Drive
0027	4839 Keswick Court	0122	15525 Yorktown Drive	0199	4695 Fishermans Cove
0029	15434 Silvan Glen Drive	0124	4743 Timber Ridge Drive	0200	15442 Silvan Glen Drive
0030	4759 Timber Ridge Drive	0125	4746 Timber Ridge Drive	0201	4604 Spalding Drive
0031	15352 Edgehill Drive	0127	15512 Royal Crescent Court	0202	4610 Spalding Drive
0032	15526 Royal Crescent Court	0128	15522 Royal Crescent Court	0203	15975 Cove Lane
0033	4760 Timber Ridge Drive	0129	15440 Beachview Drive	0204	4842 Keswick Court
0034	4749 Timber Ridge Drive	0130	4832 Keswick Court	0205	4711 Timber Ridge Drive
0035	15797 Butler Place	0131	15448 Beachview Drive	0206	15442 Beachview Drive
0036	4593 Clearwater Court	0133	15443 Beachview Drive	0207	4707 Timber Ridge Drive
0037	15350 Edgehill Drive	0135	4751 Timber Ridge Drive	0208	15567 Outlook Place
0038	4703 Fishermans Cove	0136	4844 Keswick Court	0210	15550 Golf Club Drive
0039	4723 Timber Ridge Drive	0137	15640 Golf Club Drive	0211	4734 Timber Ridge Drive
0040	4837 Keswick Court	0138	4928 Breeze Way	0212	4737 Timber Ridge Drive
0041	4707 Fishermans Cove	0139	4739 Timber Ridge Drive	0213	15789 Moncure Drive
0042	15536 Yorktown Drive	0140	4897 Breeze Way	0214	4916 Breeze Way
0044	15529 Yorktown Drive	0141	4745 Timber Ridge Drive	0215	4840 Keswick Court
0045	15445 Beachview Drive	0142	4735 Timber Ridge Drive	0216	4612 Spalding Drive
0046	4733 Timber Ridge Drive	0143	4917 Breeze Way	0217	15531 Yorktown Drive
0047	4685 Timber Ridge Drive	0144	4921 Breeze Way	0220	4932 Breeze Way
0049	15533 Yorktown Drive	0146	4925 Breeze Way	0221	4913 Breeze Way
0050	4738 Timber Ridge Drive	0147	15450 Silvan Glen Drive	0222	4940 Breeze Way
0051	4691 Fishermans Cove	0148	4691 Timber Ridge Drive	0223	15342 Edgehill Drive
0052	15444 Silvan Glen Drive	0149	15534 Yorktown Drive	0224	15589 Skiff Court
0053	15348 Edgehill Drive	0151	4742 Timber Ridge Drive	0225	15592 Skiff Court
0054	15456 Silvan Glen Drive	0153	15460 Silvan Glen Drive	0226	15562 Outlook Place
0055	4762 Timber Ridge Drive	0154	4755 Timber Ridge Drive	0227	4936 Breeze Way
0056	15346 Edgehill Drive	0155	15354 Edgehill Drive	0228	15590 Golf Club Drive
0057	4736 Timber Ridge Drive	0157	15973 Cove Lane	0229	4750 Timber Ridge Drive
0058	4719 Timber Ridge Drive	0158	15629 Golf Club Drive	0230	4912 Breeze Way
0060	4761 Timber Ridge Drive	0159	15795 Butler Place	0231	4838 Keswick Court
0062	15356 Edgehill Drive	0161	4908 Breeze Way	0232	
0063	4763 Timber Ridge Drive	0162	15523 Yorktown Drive	0233	
0065	4741 Timber Ridge Drive	0164	4699 Fishermans Cove	0234	
0066	15794 Devonald Place	0165	15557 Outlook Place	0235	
0067	15436 Beachview Drive	0166	15650 Golf Club Drive	0236	
0068	15784 Moncure Drive	0167	15436 Skyline Drive	0237	

<b>0071</b>	15789 Butler Place	<b>0168</b>	4909 Breeze Way	<b>0238</b>	
<b>0073</b>	15560 Golf Club Drive	<b>0169</b>	4740 Timber Ridge Drive	<b>0239</b>	
<b>0075</b>	4753 Timber Ridge Drive	<b>0170</b>	4900 Breeze Way	<b>0240</b>	
<b>0077</b>	15446 Silvan Glen Drive	<b>0171</b>	15344 Edgehill Drive	<b>0241</b>	
<b>0081</b>	15791 Moncure Drive	<b>0173</b>	15570 Golf Club Drive	<b>0242</b>	
<b>0085</b>	15514 Royal Crescent Court	<b>0174</b>	4896 Breeze Way	<b>0243</b>	